THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 15 — 1934 — NUMBER 190

Washington, Saturday, September 30, 1950

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

Sec.

AUTHORITY: §§ 934.0 to 934.84 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and de-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

terminations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Lawrence, Massachusetts, on June 26, 27, and 28, 1950, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* (1) It is hereby found that a pro rata assessment of handlers on the basis and at the rate set forth in § 934.71, as amended, and as hereby further amended will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such assessment is approved.

(2) *Effective date.* It is necessary, in the public interest, to make this order effective as hereinafter set forth. Any further delay in the effective date of the order will seriously threaten the orderly marketing and supply of milk in the Lowell-Lawrence, Massachusetts, marketing area. The need for the order is disclosed by the decision (15 F. R. 6257) which was executed September 14, 1950. The provisions of the order are well known to handlers since the public hearing was held on June 26–28, 1950. The recommended decision was published in the FEDERAL REGISTER (15 F. R. 5762) on August 23, 1950. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the aforementioned facts, it is hereby found and determined that good cause exists for making this order effective October 1, 1950. (See section 4 (c), Administrative Procedure Act (5 U. S. C. 1003 (c).)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by such order, which is marketed within the Lowell-Lawrence, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order, amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of this order, and who during the representative period (June 1950) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 934.1 *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Lowell-Lawrence, Massachusetts, marketing area," also referred to as the "marketing area," means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.	Methuen.
Billerica.	North Andover.
Chelmsford.	Tewksbury.
Dracut.	Tyngsboro.
Lawrence.	Westford.
Lowell.	

(c) "Order," used with the name of a marketing area other than the Lowell-Lawrence, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

§ 934.2 *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk on more than 3 days in any one of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets and a dairy farmer with respect to exempt milk delivered. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to § 934.30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy

farmer who is a producer under the Boston, Worcester, or Springfield orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who in a given month operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk other than exempt milk from dairy farmers except producer-handlers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products other than cream are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

§ 934.3 *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "Receiving plant" means any plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(c) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in §§ 934.20, 934.21 and 934.22 for being considered a pool plant in that month.

(d) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

(e) "City plant" means any plant which is located within 10 miles of the marketing area.

(f) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

§ 934.4 *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing or is separated from it by centrifugal force, in all forms including sweet, sour, frozen, and aerated cream, and milk and cream mixtures.

(c) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(d) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

(e) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(f) "Outside milk" means:

(1) All milk received from dairy farmers for other markets.

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except receipts from New York order pool plants which are assigned to Class I milk pursuant to § 934.27 and from regulated plants under the Boston, Worcester, or Springfield orders.

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston order, without its intermediate movement to another plant.

(g) "Exempt milk" means milk of a dairy farmer's own production which he delivers in bulk to a plant and for which an equivalent quantity of packaged milk is returned to him during the same month.

MARKET ADMINISTRATOR

§ 934.10 *Designation of market administrator.* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 934.11 *Powers of market administrator.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

§ 934.12 *Duties of the market administrator.* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Pay, out of the funds provided by § 934.71, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose, within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not made reports or payments pursuant to this order.

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by the handlers; and

(g) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 934.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 934.16, 934.17 and 934.18, the classes of utilization shall be as follows:

(a) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as or in milk; and other than as or in flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

§ 934.16 *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to §§ 934.25 and 934.26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved to a plant subject to the Boston, Worcester, or Springfield orders, they shall be classified in the same class to which the receipt is assigned under such order.

(e) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the Boston, Worchester, or Springfield orders, they shall be classified as Class I milk if retransferred to either of these types of regulated or unregulated plants.

§ 934.17 *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

§ 934.18 *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any other milk or milk products received by a handler which is not pool milk, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 934.20 *Requirements for all receiving plants.* Each receiving plant shall be a pool plant during each month in which it meets the applicable requirements contained in § 934.21 or § 934.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

(c) The plant is operated neither as the plant of a producer-handler, nor as a pool plant pursuant to the provisions of the Boston, New York, Worcester, or Springfield orders.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity, as a producer-handler.

§ 934.21 *Additional requirements for city receiving plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers.

§ 934.22 *Additional requirements for country receiving plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which is a pool plant continuously from the effective date of this order through February 1951 and any country plant which thereafter is a pool plant continuously in each of the months from October through February shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 934.25 *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to § 934.50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to § 934.27.

(c) Receipts of fluid milk products, other than cream and skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to the City Hall in Lawrence.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to the City Hall in Lawrence.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to the City Hall in Lawrence.

(j) Receipts of skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

§ 934.26 *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to § 934.25 shall be assigned to Class II milk.

§ 934.27 *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts of fluid milk products, other than cream, from regulated plants under the Worcester or Springfield orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products other than cream at the receiving plant.

(c) Receipts from New York order pool plants shall be assigned to Class I milk if classified in Classes I–A or I–B under the New York order.

REPORTS OF HANDLERS

§ 934.30 *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the

quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 934.25, 934.26 and 934.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 934.15, 934.16 and 934.17.

§ 934.31 *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 934.32 *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 934.33 *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to each producer with the prices, deductions, and charges involved.

§ 934.34 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 934.35 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator finds necessary for the purpose specified in this section.

§ 934.36 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASS PRICES

§ 934.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the next succeeding work day shall be used:

(a) Divide by .98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935–39 as the base period, and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044 and multiply by 0.6.

(2) Compute the weighted average of the monthly composite farm wage rates for the latest available month for Maine, Massachusetts, New Hampshire, and Vermont, as reported by the United States Department of Agriculture, divide by 0.5952, and multiply by 0.4. In computing the weighted average, weight the respective rates as follows: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section, the Class I price per hundredweight at city plants shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I Price per Hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
50–56	$2.21	$1.77	$2.65
57–63	2.43	1.99	2.87
64–70	2.65	2.21	3.09
71–77	2.87	2.43	3.31
78–84	3.09	2.65	3.53
85–90	3.31	2.87	3.75
91–97	3.53	3.09	3.97
98–104	3.75	3.31	4.19
105–111	3.97	3.53	4.41
112–118	4.19	3.75	4.63
119–125	4.41	3.97	4.85
126–132	4.63	4.19	5.07
133–139	4.85	4.41	5.29
140–146	5.07	4.63	5.51
147–152	5.29	4.85	5.73
153–159	5.51	5.07	5.95
160–166	5.73	5.29	6.17
167–173	5.95	5.51	6.39
174–180	6.17	5.73	6.61
181–187	6.39	5.95	6.83
188–194	6.61	6.17	7.05

If the formula index is more than 194, the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 88 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the pre-

ceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(h) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(i) The Class I price determined under the preceding paragraphs of this section shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

§ 934.41 *Class II price at city plants.* The Class II price per hundredweight at city plants shall be determined for each month pursuant to this section.

(a) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, and multiply the result by 3.7.

(b) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	Amount (cents)
January and February	57.5
March and April	69.5
May and June	75.5
July	69.5
August and September	63.5
October, November, and December	57.5

§ 934.42 *Country plant price differentials.* In the case of receipts at country plants, the prices determined pursuant to §§ 934.40 and 934.41 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Lawrence, over highways on which the highway departments of the governing States permit milk tank trucks to move, or on the railway mileage distance to Lawrence from the nearest railway shipping point for such plant, whichever is shorter. The applicable differentials shall be those set forth in the following table, as adjusted pursuant to § 934.43:

A Zone (miles)	B Class I price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
Less than 40½	−17.0	−2.0
41–50	−41.5	−2.0
51–60	−42.5	−3.0
61–70	−43.0	−3.0
71–80	−44.5	−3.0
81–90	−45.0	−3.0
91–100	−45.5	−3.0
101–110	−45.5	−4.5
111–120	−47.0	−4.5
121–130	−47.0	−4.5
131–140	−48.0	−4.5
141–150	−50.5	−4.5
151–160	−52.0	−6.0
161–170	−52.0	−6.0
171–180	−54.5	−6.0
181–190	−54.5	−6.0
191–200	−56.0	−6.0
201–210	−58.0	−7.0
211–220	−60.0	−7.0
221–230	−60.5	−7.0
231–240	−61.5	−7.0
241–250	−61.5	−7.0
251–260	−62.5	−8.0
261–270	−63.0	−8.0
271–280	−63.5	−8.0
281–290	−64.5	−8.0
291 and over	−65.5	−8.0

§ 934.43 *Automatic changes in country plant differentials.* In case the rail tariff for the transportation of milk in 40-quart cans in carlots of 200 or more cans or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the country plant price differentials set forth in the table in § 934.42 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustment shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change divided by 9.05. Adjustment shall be made to the nearest one-half cent per hundredweight.

§ 934.44 *Use of equivalent prices in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 934.45 *Announcement of class prices.* The market administrator shall make public announcements of the class prices, as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

BLENDED PRICES TO PRODUCERS

§ 934.50 *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to § 934.25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to § 934.26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to §§ 934.40, 934.41, and 934.42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to § 934.66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to § 934.25 (f), (i), and (k) by the price applicable pursuant to §§ 934.41 and 934.42.

§ 934.51 *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk, computed pursuant to § 934.50, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to § 934.61 (b) for milk received during each month since the effective date of the most recent amendment to this order;

(b) Add the total amount of payments required from handlers pursuant to § 934.65 and from buyer-handlers and producer-handlers pursuant to § 934.66;

(c) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 934.61, 934.62, 934.65, 934.66, and 934.67;

(d) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 934.64;

(e) Divide by the total quantity of producer milk for which a value is determined pursuant to paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 934.61 and 934.62. This result, which is the minimum price payable to producers for milk containing 3.7 percent butterfat received from them at city plants, shall be known as the basic blended price.

§ 934.52 *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the country plant price differentials pursuant to § 934.64; and

(c) The names of pool handlers, designating those whose milk is not included in the computations.

PAYMENTS

§ 934.60 *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by § 934.61 (a).

§ 934.61 *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 934.50, as follows:

(a) On or before the 25th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 934.63 and 934.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 934.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 934.50, as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

§ 934.62 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to §§ 934.61 (b), 934.65, and 934.66, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 934.61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 934.63 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10.

§ 934.64 *Location differentials.* The payments to be made to producers by handlers pursuant to § 934.61 (a) shall be subject to the Class I price differentials applicable pursuant to § 934.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 934.40 and 934.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 934.65 *Payments on outside milk.* Within 23 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42, effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to §§ 934.40, 934.41, and 934.42 effective for the location or freight mileage zone of the handler's plant.

§ 934.66 *Payments on Class I receipts from other Federal order plants.* Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Worcester, or Springfield order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the Class I price pursuant to §§ 934.40 and 934.42 effective for the location or freight mileage zone of the plant from which the Class I milk was received by the butterfat differential calculated pursuant to § 934.63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

§ 934.67 *Adjustment of overdue accounts.* Any balance due, pursuant to §§ 934.61, 934.62, 934.65, and 934.66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

§ 934.68 *Statements to producers.* In making the payments to producers prescribed by § 934.61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 934.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 934.69 and 934.70, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 934.69 *Marketing service deductions; nonmembers of an association of producers.* In making payments to producers pursuant to § 934.61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 934.70, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or

before the 25th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 934.70 *Marketing service deductions; members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in § 934.69, each handler shall, in lieu of the deductions specified in § 934.69, make such deductions from payments made pursuant to § 934.61 (a) as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deduction to such associations.

§ 934.71 *Expense of administration.* Within 23 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

§ 934.72 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable.

Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 934.80 *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or temminated pursuant to § 934.81.

§ 934.81 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 934.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 934.83 *Liquidation after suspension or termination.* Under the suspension or termination of any or all provisions of this order, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 934.84 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

Issued at Washington, D. C., this 27th day of September 1950, to be effective on and after the 1st day of October 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8611; Filed, Sept. 29, 1950; 8:56 a. m.]

[Lemon Reg. 350]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.457 *Lemon Regulation 350*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said

amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 27, 1950. Such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 1, 1950, and ending at 12:01 a. m., P. s. t., October 8, 1950, is hereby fixed as follows:

(i) District 1: unlimited movement;

(ii) District 2: 200 carloads;

(iii) District 3: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 349 (15 F. R. 6435), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 28th day of September 1950.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-8644; Filed, Sept. 29, 1950; 9:18 a. m.]

[Orange Reg. 342]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.488 *Orange Regulation 342*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended, (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on September 28, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 1, 1950, and ending at 12:01 a. m., P. s. t., October 8, 1950, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: unlimited movement; (*b*) Prorate District No. 2: 1,200 carloads; (*c*) Prorate District No. 3: unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: no movement; (*b*) Prorate District No. 2: no movement; (*c*) Prorate District No. 3: no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as given to the respective term in § 966.107 of the current rules and regulations (14 F. R. 6588) contained in this part.

Orange Regulation 332 (7 CFR 966.478, 15 F. R. 3863) fixes the sizes of designated oranges which may be handled during the aforesaid period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of September 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Oct. 1, 1950 to 12:01 a. m. Oct. 8, 1950]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.1869
A. F. G. Corona	.0536
A. F. G. Fullerton	.8558
A. F. G. Orange	.4520
A. F. G. Riverside	.1854
A. F. G. San Juan Capistrano	.9711
A. F. G. Santa Paula	.4291
Eadington Fruit Co., Inc	5.2242
Hazeltine Packing Co	.4695
Placentia Pioneer Valencia Growers Association	.6440
Signal Fruit Association	.1340
Azusa Citrus Association	.5877
Damerel-Allison Co	.8539
Glendora Mutual Citrus Association	.4567
Puente Mutual Citrus Association	.1731
Valencia Heights Orchard Association	.4792
Covina Citrus Association	1.0370
Covina Orange Growers Association	.4675
Glendora Citrus Association	.4847
Gold Buckle Association	1.0722
La Verne Orange Association	.7629
Anaheim Citrus Fruit Association	.8548
Anaheim Valencia Orange Association	.8042
Fullerton Mutual Orange Association	1.3858
La Habra Citrus Association	1.3977
Orange County Valencia Association	.0033
Yorba Linda Citrus Association	.9523
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.0707
Citrus Fruit Growers	.2219
Cucamonga Citrus Association	.1645
Etiwanda Citrus Fruit Association	.0000
Old Baldy Citrus Association	.2608
Rialto Heights Orange Association	.0753
Upland Citrus Association	.5885
Upland Heights Orange Association	.2433
Consolidated Orange Growers	1.7281
Frances Citrus Association	1.1412
Garden Grove Citrus Association	.9567
Goldenwest Citrus Association The	1.5315
Irvine Valencia Growers	3.0711
Olive Heights Citrus Association	2.0367
Santa Ana-Tustin Mutual Citrus Association	.8485

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Santiago Orange Growers Association	3.7351
Tustin Hills Citrus Association	1.9679
Villa Park Orchards Association	2.1117
Bradford Bros., Inc	.7646
Placentia Cooperative Orange Association	.5774
Placentia Mutual Orange Association	2.3692
Placentia Orange Growers Association	1.4423
Yorba Orange Growers Association	.8051
Call Ranch	.0911
Corona Citrus Association	.6782
Jameson Co	.0000
Orange Heights Orange Association	.6361
Crafton Orange Growers Association	.6503
East Highlands Citrus Association	.1714
Fontana Citrus Association	.0970
Redlands Heights Groves	.3142
Redlands Orangedale Association	.2965
Break & Son, Allen	.0882
Bryn Mawr Fruit Growers Association	.2421
Mission Citrus Association	.2319
Redlands Cooperative Fruit Association	.4892
Redlands Orange Growers Association	.2774
Redlands Select Groves	.6967
Rialto Citrus Association	.2989
Rialto Orange Co	.3012
Southern Citrus Association	.2115
United Citrus Growers	.1885
Zilen Citrus Co	.0573
Arlington Heights Citrus Co	.1543
Brown Estate, L. V. W	.1515
Gavilan Citrus Association	.2064
Highgrove Fruit Association	.0797
Krinard Packing Co	.2593
McDermont Fruit Co	.2169
Monte Vista Citrus Association	.3170
National Orange Co	.0493
Riverside Heights Orange Growers Association	.0912
Sierra Vista Packing Association	.0786
Victoria Avenue Citrus Association	.2498
Claremont Citrus Association	.0964
College Heights Orange and Lemon Association	.4975
Indian Hill Citrus Association	.2557
Pomona Fruit Growers' Exchange	.4205
Walnut Fruit Growers' Association	.6457
West Ontario Citrus Association	.3474
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers' Association	.3655
Canoga Citrus Association	.5918
Covina Valley Orange Co	.0188
North Whittier Heights Citrus Association	.9756
San Fernando Fruit Growers' Association	.8158
San Fernando Heights Orange Association	1.2331
Sierra Madre-Lamanda Citrus Association	.5116
Camarillo Citrus Association	1.6295
Fillmore Citrus Association	3.8054
Mupu Citrus Association	2.2123
Ojai Orange Association	.9846
Piru Citrus Association	1.9415
Rancho Sespe	.9004
Santa Paula Orange Association	1.3045
Tapo Citrus Association	1.1325
Ventura County Citrus Association	.4253
Limoneira Co	.6312
East Whittier Citrus Association	.5799
Whittier Citrus Association	1.3156

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Anaheim Cooperative Orange Association	1.3536
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Euclid Avenue Orange Association	.7965
Foothill Citrus Union, Inc	.0849
Fullerton Cooperative Orange Association	.3282
Garden Grove Orange Cooperative, Inc	.7093
Golden Orange Groves, Inc	.2411
Highland Mutual Groves, Inc	.0000
Index Mutual Association	.5306
La Verne Cooperative Citrus Association	1.8690
Mentone Heights Association	.0415
Olive Hillside Groves, Inc	.5855
Orange Cooperative Citrus Association	2.0017
Redlands Foothill Groves	.8870
Redlands Mutual Orange Association	.2619
Ventura County Orange and Lemon Association	1.2648
Whittier Mutual Orange and Lemon Association	.1686
Babijuice Corp. of California	.2371
Banks, L. M	.4728
Bennett Fruit Co., Inc	.0476
Borden Fruit Co	.6738
Cherokee Citrus Co., Inc	.1476
Chess Co., Meyer W	.4762
Dunning Ranch	.0000
Evans Brothers Packing Co	.8119
Gold Banner Association	.2616
Granada Hills Packing Co	.0371
Granada Packing House	.6042
Hill Packing House, Fred A	.1120
Johnson, Fred	.0058
Knapp Packing Co., John C	.3472
L Bar S Ranch	.0000
Lawson, William J	.0097
Orange Belt Fruit Distributors	1.3615
Otte, Arnold	.0389
Pacific Citrus Distributors	.0041
Panno Fruit Co., Carlo	.5202
Paramount Citrus Association	1.0203
Patitucci, Frank L	.0000
Placentia Orchard Co	.4532
Riverside Citrus Association	.0691
Ronneberg, Jerry L	.0013
San Antonio Orchards Co	.3643
Stephens, T. F	.1438
Summit Citrus Packers	.0069
Treesweet Products Co	.1125
Wall, E. T., Grower-Shipper	.1561
Western Fruit Growers, Inc	.7275

[F. R. Doc. 50-8654; Filed, Sept. 29, 1950; 11:30 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5346]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOSEPH H. MEYER BROS.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* § 3.135 *Nature—Product or service;* § 3.235 *Source or origin—Place—Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure.* § 3.1860 *Imported product or parts as domestic.* Subpart—*Using misleading name—Goods:* § 3.2315 *Nature.* I. In connection with the offering for sale, sale or distribution in commerce, of imitation pearls, whether offered for sale and sold as necklaces or in other articles of jewelry, representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls; and, II, in connection with the offering for sale, sale, or distribution in commerce, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imitation pearls, (1) representing by the use of the words and letters "Made in U. S. A.," or otherwise, that said products are composed entirely of domestic materials; or, (2) offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited, subject to the provision, however, as respects that part of the order pertaining to the use of the word "pearls", etc., that the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is immediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated," or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Joseph H. Meyer Bros., Docket 5346, August 25, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into by and between Daniel J. Murphy, Assistant Chief Trial Counsel for the Commission, and the respondent, in which stipulation the respondent waived all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Joseph H. Meyer Bros., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of imitation pearls, whether offered for sale and sold as necklaces or in other articles of jewelry, do forthwith cease and desist from:

(1) Representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls: *Provided, however*, That the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is im-

mediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated", or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

It is further ordered, That the respondent Joseph H. Meyer Bros., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

(1) Representing by the use of the words and letters "Made in U. S. A.", or otherwise, that said products are composed entirely of domestic materials.

(2) Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith the country of origin of such imported imitation pearls.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8604; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5395]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CORO, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.135 *Nature—Product or service.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* Subpart—*Using misleading name—Goods:* § 3.2315 *Nature.* I. In connection with the offering for sale, sale, or distribution in commerce, of imitation pearls, whether offered for sale and sold as necklaces or in other articles of jewelry, representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls, and, II, in connection with the offering for sale, sale, or distribution in commerce, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited, subject to the provision, however, as respects that part of the order pertaining to the use of the word "pearls," etc., that the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is immediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated" or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

(Sec. 6, 38 Stat. 722.15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C., sec. 45) [Cease and desist order, Coro, Inc. et al., Docket 5395, August 25, 1950]

In the Matter of Coro, Inc., a Corporation; Coro, Inc., of Rhode Island, a Corporation; and Gerald E. Rosenberger, Carl Rosenberger, and Henry Rosenblatt, Individually and as Officers of Said Corporations

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, stipulations entered into by and between Daniel J. Murphy, Assistant Chief Trial Counsel for the Commission, and counsel for the respondents, testimony and other evidence introduced before a trial examiner of the Commission in the matter of L. Heller & Son, Inc., et al. Docket No. 5358, recommended decision of the trial examiner and exceptions thereto, and briefs and oral argument of counsel in said Heller case; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondents, Coro, Inc., and Coro, Inc., of Rhode Island, and their officers, agents, representatives, and employees, and the individual respondents, Gerald E. Rosenberger, Carl Rosenberger, and Henry Rosenblatt, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of imitation pearls, whether offered for sale and sold as necklaces or in other articles of jewelry, do forthwith cease and desist from:

Representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls; *Provided, however,* That the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is immediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated" or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

It is further ordered, That the corporate respondents, Coro, Inc., and Coro, Inc., of Rhode Island, and their officers, agents, representatives, and employees, and the individual respondents, Gerald E. Rosenberger, Carl Rosenberger, and Henry Rosenblatt, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8609; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5374]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LOUIS DETKIN ET AL. TRADING AS ROYAL BEAD NOVELTY CO.

Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1260 *Nature;* § 3.1325 *Source or origin—Place—Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* Subpart—*Using misleading name—Goods:* § 3.2315 *Nature.* I. In connection with the offering for sale, sale or distribution in commerce, of imitation pearls, whether offered for sale or sold as necklaces or in other articles of jewelry, representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls; and, II, in connection with the offering for sale, sale or distribution in commerce, of imported imitation pearls or other articles of jewelry composed in substantial part of imported imitation pearls, (1) representing by the use of the words "American Made," or otherwise, that said products are composed entirely of domestic materials; or, (2) offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited, subject to the provision, however, as respects that part of the order pertaining to the use of the word "pearls," etc., that the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is immediately preceded, in equally conspicuous type, by the word "imitation" or the word "simu-

lated," or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Louis Detkin et al. trading as Royal Bead Novelty Company, Docket 5374, August 25, 1950]

In the Matter of Louis Detkin and Lillian Detkin, Individually and as Copartners, Trading as Royal Bead Novelty Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, certain stipulations entered into by and between counsel, the testimony and other evidence introduced before a trial examiner of the Commission in the matter of L. Heller & Son, Inc., et al., Docket No. 5358, the recommended decision of the trial examiner herein and exceptions thereto, and briefs and oral arguments of counsel in the aforesaid Heller case, and the Commission having disposed of the exceptions to the trial examiner's recommended decision and having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Louis Detkin and Lillian Detkin, individually and as co-partners trading as Royal Bead Novelty Company, or trading under any other name or trade designation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of imitation pearls, whether offered for sale or sold as necklaces or in other articles of jewelry, do forthwith cease and desist from:

(1) Representing by the use of the word "pearls" or any other word or words of similar import or meaning, or in any other manner, that said imitation pearls are genuine pearls; *Provided, however*, That the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, wherever used, the word "pearls" is immediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated", or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

It is further ordered, That said respondents and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

(1) Representing by the use of the words "American Made," or otherwise, that said products are composed entirely of domestic materials.

(2) Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8608; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5347]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DAVID GENSER ET AL. TRADING AS GENSER MFG. CO.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale or distribution in commerce, of necklaces of imported imitation pearls or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, David Genser et al., trading as Genser Manufacturing Company, Docket 5347, August 25, 1950]

In the Matter of David Genser, Max Genser, Ida Genser, Ada Genser, Wallace Genser, and Shirley R. Cohen, Co-partners Trading as Genser Manufacturing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, certain stipulations entered into by and between counsel, the testimony and other evidence introduced before a trial examiner of the Commission in the matter of L. Heller & Son, Inc., et al., Docket No. 5358, the recommended decision of the trial examiner herein and exceptions thereto, and briefs and oral arguments of counsel in the aforesaid Heller case, and the Commission having disposed of the exceptions to the trial examiner's recommended decision and having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, David Genser, Max Genser, Ida Genser, Ada Genser, Wallace Genser and Shirley R. Cohen, individually and as co-partners trading as Genser Manufacturing Company, or trading under any other name or trade designation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls or other articles of jewelry composed in substantial part of imported imitation pearls do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8605; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5358]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

L. HELLER & SONS, INC., ET AL.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale, or distribution in commerce, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, L. Heller & Son, Inc. et al., Docket 5358, August 25, 1950]

In the Matter of L. Heller & Son, Inc., a Corporation; and The Heller Deltah Company, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner and exceptions thereto, and briefs, oral argument, and reargument in support of and in opposition to the complaint; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, L. Heller & Son, Inc., and The Heller Deltah Company, Inc., corporations, their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8603; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5349]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

D. LISNER & CO.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale or distribution in commerce, of necklaces of imported imitation pearls or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719 as amended; 15 U. S. C. 45) [Cease and desist order, D. Lisner & Company, Docket 5349, August 25, 1950]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, stipulations between counsel, testimony and other evidence introduced before a trial examiner of the Commission in the matter of L. Heller & Son, Inc., et al., Docket No. 5358, recommended decision of the trial examiner and exceptions thereto, and briefs and oral argument of counsel in said Heller case; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, D. Lisner & Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8606; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5371]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

COLONIAL BEAD CO., INC. ET AL.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale, or distribution in commerce, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Colonial Bead Company, Inc. et al., Docket 5371, August 25, 1950]

In the Matter of Colonial Bead Company, Inc., a Corporation, and Abraham Abron and Abraham Goldenberg, Individually and as Officers of Said Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, stipulations between counsel, testimony and other evidence introduced before a trial examiner of the Commission in the matter of L. Heller & Son, Inc., et al., Docket No. 5358, recommended decision of the trial examiner and exceptions thereto, and briefs and oral argument of counsel in said Heller case; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondent, Colonial Bead Company, Inc., and its officers, agents, representatives, and employees, and the individual respondents, Abraham Abron and Abraham Goldenberg, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8607; Filed, Sept. 29, 1950; 8:55 a. m.]

[Docket 5403]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LAWRENCE B. DOTTENHEIM ET AL. TRADING AS VICTOR IMPORTING COMPANY

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale, or distribution in commerce, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec, 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lawrence B. Dottenheim et al., trading as Victor Importing Company, Docket 5403, August 25, 1950]

In the Matter of Lawrence B. Dottenheim, Mark Dottenheim, Beatrice Dottenheim, and May Dottenheim, Individually and Trading as Victor Importing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly

designated by it, recommended decision of the trial examiner, to which no exceptions were filed, brief in support of the allegations of the complaint (no brief having been filed on behalf of the respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Lawrence B. Dottenheim, Mark Dottenheim, Beatrice Dottenheim, and May Dottenheim, individually and trading as Victor Importing Company, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of necklaces of imported imitation pearls, or other articles of jewelry composed in substantial part of imported imitation pearls, do forthwith cease and desist from:

Offering for sale or selling said products without affirmatively and clearly disclosing thereon, or in immediate connection therewith, the country of origin of such imported imitation pearls.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: August 25, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-8610; Filed, Sept. 29, 1950; 8:55 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 3527]

PART 161—DEFINITIONS

INCREASE IN INSURANCE COVERAGE TO $10,000

Resolved that, in conformity with the provisions of Public Law No. 797 of the 81st Congress, approved September 21, 1950, §§ 161.3, 161.4, 161.5 and 161.6 of the rules and regulations for insurance of accounts (24 CFR 161.3, 161.4, 161.5 and 161.6) are hereby amended, effective September 21, 1950, by inserting "$10,000" in lieu of "$5,000" wherever such figure appears in said sections, so that such sections shall read as follows:

§ 161.3 *Joint account; community property.* An insured account held jointly or as community property is insured in the same manner as an insured account held by a partnership, up to but not exceeding $10,000 jointly to the holders thereof. Each of such holders may in addition hold a separate account in the institution, which is insured up to but not exceeding $10,000.

§ 161.4 *Insured account.* An "insured account" is a withdrawable or repurchasable share, investment certificate, deposit, or savings account held by an insured member in an institution insured by the Corporation, up to but not exceeding $10,000 to any insured member. Accounts which by the terms of the contract of the holder with the institution or by provisions of state law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities, of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts".

§ 161.5 *Account of an insured member.* An "account of an insured member" is the total amount credited (or when dividends are not credited, apportionable after having been apportioned to a series) to any member in withdrawable or repurchasable accounts, whether or not such accounts are subject to any pledge, whether or not such accounts are insured in full, and whethor or not dividends are subject to recapture. The total insurance which any insured member may have in any one insured institution is $10,000, whether the insured member has one or more insurable accounts. If such insurable accounts are of different character, the Corporation reserves the right to determine upon payment of insurance which of such accounts shall carry the $10,000 aggregate of insurance.

§ 161.6 *All insured accounts.* The term "all insured accounts" means the aggregate of all insured accounts of $10,000 or under, plus the sum of $10,000 for each insured account of more than $10,000.

Resolved further that these amendments being required by reason of amendments to Title IV of the National Housing Act, as amended, effected by Acts of Congress approved June 27, 1950, and September 21, 1950 (Pub. Laws Nos. 576 and 797, respectively, 81st Cong.) increasing the maximum insurance coverage of an insured member to $10,000, the Home Loan Bank Board hereby finds that they may be adopted under the provisions of section 108.11 of the General Regulations of the Home Loan Bank Board (24 CFR 108.11) and that deferment of the effective date would be ineffective.

(Sec. 402, 48 Stat. 1256, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR 1947 Supp., 61 Stat. 954; 12 U. S. C. 1725, 5 U. S. C. 133y-16. Interpret or apply secs. 401, 403, 405, 48 Stat. 1255, 1257, as amended, 1259, as amended, sec. 9, Pub. Law No. 576, 81st Cong., sec. 2, Pub. Law No. 797, 81st Cong., 12 U. S. C. 1724, 1726, 1728)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 50-8585; Filed, Sept. 29, 1950; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

OUTPATIENT TREATMENT

In § 17.60 (a), subparagraph (3) is revised and a new subparagraph (8) is added, as follows:

§ 17.60 *Outpatient treatment.* (a) * * *

(3) Persons who have elected, under Public Law 314, 78th Congress, to receive disability compensation from the Veterans Administration for a service-connected disease or injury and who are in need of treatment for said service-connected compensable disease or injury.

* * * * *

(8) Persons who served in the active military or naval forces during the Spanish-American War, Philippine Insurrection, or Boxer Rebellion (April 21, 1898 to July 4, 1902 or to July 15, 1903 if the service was in Moro province) when discharged from such service under other than dishonorable conditions who are in need of outpatient treatment.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707. Interpret or apply 45 Stat. 735, as amended, secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652, 57 Stat. 21, 60 Stat. 526, Public Law 791, 81st Congress; 38 U. S. C. 488 note, 488a, 581, 582, 706, 706a, Ch. 12 note)

This regulation effective September 30, 1950.

[SEAL] O. W. CLARK, *Deputy Administrator.*

[F. R. Doc. 50-8578; Filed, Sept. 29, 1950; 8:49 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

PROVISIONAL REGULATIONS

A new § 21.187 is added as follows:

§ 21.187 *Application of the provisions of the Servicemen's Readjustment Act, Title II, as amended by section 6, Public Law 610, 81st Congress, approved July 13, 1950.* (a) Paragraph 6 of Part VIII, Veterans Regulation No. 1 (a), as amended (38 U. S. C. ch. 12), is amended by section 6, Public Law 610, 81st Congress, by adding subparagraph (b) as follows:

(b) For the purpose of this part, a trade or technical course, offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with not more than thirty minutes of rest period per day allowed. A course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction is required. The provisions of the first sentence of this subparagraph shall not be applicable prior to July 1, 1951, in the

case of any school or institution in which, for a period of one year immediately preceding the date of enactment of the Veterans Education and Training Amendments of 1950, a minimum of twenty-five hours per week of attendance was required for any course in compliance with regulations of the Veterans' Administration.

(b) A trade and technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof, will be considered a full-time course when a minimum of 30 hours per week of attendance in the school is required with not more than 30 minutes rest period per day allowed. Determinations of the extent of the part-time training will be in accordance with the following schedule:

(1) Less than 30 but not less than 22 clock-hours of attendance per week—¾ time.

(2) Less than 22 but not less than 15 clock-hours of attendance per week—½ time.

(3) Less than 15 clock-hours of attendance per week—¼ time, but no subsistence allowance will be payable for fewer than 7 clock-hours of attendance per week.

(c) For the purposes of section 6, Public Law 610 "a trade or technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof," shall be considered to include only those courses of training for occupations which are customarily learned through apprenticeships or other training on-the-job, that is, the skilled, semi-skilled and unskilled occupations as listed under first digits 4 through 9, inclusive, in the second edition of the Dictionary of Occupational Titles, dated March 1949.

(d) The foregoing is effective October 1, 1950 as to all courses in those schools which commenced operation subsequent to July 13, 1949, and July 1, 1951 as to any new or existing course in those schools which have been in operation for a period of one year prior to July 13, 1950.

(e) Effective October 1, 1950, a course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction is required (exclusive of shop practice periods and any rest periods but not excluding regularly scheduled supervised study periods or customary 5 or 10 minute intervals between classes for the purpose of changing student or teacher stations as required by the school). Determinations of the extent of part-time training will be in accordance with the following schedule:

(1) Less than 25 but not less than 18 clock-hours of instruction per week—¾ time.

(2) Less than 18 but not less than 12 clock-hours of instruction per week—½ time.

(3) Less than 12 clock-hours of instruction per week—¼ time, but no subsistence allowance is payable for less than 6 clock-hours of instruction per week. (Instruction 2, Public Law 610, 81st Congress)

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 11a, 694, 707)

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-8475; Filed, Sept. 29, 1950; 9:00 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

PROVISIONAL REGULATIONS

1. Section 21.690 is hereby canceled.

§ 21.690 *Application of the provisions of Public Law 266, 81st Congress, prohibiting expenditure of Government funds for courses of education or training until certain requirements are met.* [Canceled.]

2. A new § 21.691 is added as follows:

§ 21.691 *Application of the provisions of the Servicemen's Readjustment Act, Title II, as amended by section 2, Public Law 610, 81st Congress, approved July 13, 1950*—(a) *Customary cost of tuition.* (1) The terms "customary cost of tuition," "customary charges," "customary tuition charges" or "total tuition charges" as used in the first paragraph of section 2, Public Law 610, 81st Congress, include all tuition charges for the course including tuition, fees or any other charges in the nature of tuition designed to compensate the institution for its expenses in furnishing the course of instruction, but do not include charges for items of books, tools, and supplies required to be owned personally by all trainees taking the course, the cost of which is not included in the tuition rate. Thus, the charges for books, tools and supplies are not considered a part of the "customary charges" unless the cost of these items is included in the costs on which the determination of a fair and reasonable tuition rate is based or the contract rate includes books and supplies as an integral part of the cost for instruction, and the contract does not provide for separate billing and payment therefor. Notwithstanding the foregoing where the cost of consumable instructional supplies was included in the tuition rate determined for the most recent contract, and that contract contains a provision requiring a minimum amount of such supplies to be furnished each veteran enrollee, such contract provisions will be enforced even though the tuition rate in such contract is frozen.

(2) Except for contracts and payments for courses of less than 30 weeks, correspondence courses, institutional on-farm training courses and adjusted tuition payments to non-profit institutions pursuant to the last proviso of paragraph 5, Title II, Part VIII, Public Law 346, 78th Congress, as amended, the provisions of section 2, Public Law 610, 81st Congress, freeze as the "customary cost of tuition" the tuition rate established in the most recent contract where one or more contracts under Public Law 16, Public Law 346, or any other agreement in writing, on the basis of which tuition payments have been made from the Treasury of the United States, have been entered into in 2 successive years for the same courses. While Public Law 610 has no direct application to Public Law 16, the frozen rates under Public Law 610 may be paid under Public Law 16 if found fair and reasonable.

(3) Contracts or other agreements in writing will be considered to have been entered into in 2 successive years when one contract (or more than one) has been entered into over a period of any 2 successive years (whether school years, calendar years or fiscal years), i. e., one or more contracts covering a period of more than 12 months. For example, if the first contract covers a period of 3 months and the second contract covers a period of 12 months, the rate established by the second contract, if it is the most recent, will be the customary cost of tuition since the 2 contracts cover a period of more than 12 months. Likewise, one contract for 6 months and a subsequent contract for a 7 months' period would establish the frozen rate as of the effective date of the 7 month period contract since the two combined cover a period of more than 12 months.

(4) In any case where contracts have been entered into prior to July 13, 1950, for 2 successive years, as set forth in subparagraph (3) of this paragraph, the tuition rate payable from July 13, 1950 on is the rate of the latest contract, even though that contract was in 1948 and was not on a negotiated or cost data rate basis, unless the frozen rate was established under Public Law 266, 81st Congress, in which event the frozen rate will be payable from the date of such establishment under Public Law 266, 81st Congress. The effective date of the frozen rate established by contract for new schools or new courses after July 13, 1950, will be the date as of which such rate is frozen under the law and this section.

(5) For any period on or after August 24, 1949 and prior to July 13, 1950 the Veterans' Administration, in the absence of an agreed contract rate, will prescribe and pay a fair and reasonable rate, subject to an appeal to the Veterns' Education Appeals Board, and for any period after July 13, 1950, in the absence of either a frozen rate or an agreed contract rate, the Veterans' Administration will prescribe and pay a fair and reasonable rate.

(6) For any period prior to August 24, 1949 where a customary "cost of tuition" did not exist the regulations require the execution of a contract before any payments are made so that payments covering services rendered prior to August 24, 1949 must be on a negotiated basis and must be covered by a contract.

(7) Where an institution having a customary cost of tuition (whether established by the definition or by the "frozen" rate provision of section 2, Public Law 610, 81st Congress) for an existing course subsequent to July 13, 1950 revises or improves the existing course (or establishes a new related course) of substantially the same length and character, the revised or related course will

be subject to the same customary cost of tuition rate. If the revised or improved course is not of approximately the same length as the former course, or if the new related course is not of approximately the same length as the existing course to which the new one is related, a new fair and reasonable rate must be established pursuant to existing regulations.

(8) For any contract period beginning on or subsequent to July 13, 1950, where it is mutually agreed between the Veterans' Administration and the institution that contract negotiations should continue but cannot be concluded within 30 days subsequent to the expiration of the previous contract, the regional office will make interim payments, in amounts determined by the manager to be fair and reasonable to the school and the Government but in no event less than 75 percent of the most recent rate paid to the school, if any. When contract negotiations are finally concluded the contract rate will be effective as of the day following the termination of the previous contract. If a contract rate is not finally agreed upon, the institution will be advised of the fair and reasonable determination of the Veterans' Administration and the fair and reasonable rate determined by the Veterans' Administration will be paid from the date of the previous contract, subject to any appeal rights of the institution and subject to the 75 percent interim payment arrangement during the pendency of any appeal.

(9) Subsequent to July 13, 1950, where an institution appeals a fair and reasonable rate determination to the Veterans' Education Appeals Board, the payments to such institution during the pendency of the appeal will be considered to be interim payments and will be based upon 75 percent of the most recent rate paid to the school prior to the acknowledgment of the appeal by the Veterans' Education Appeals Board or the rate determined to be fair and reasonable by the Veterans' Administration, whichever be the greater. In the absence of a frozen rate, the pendency of an appeal and payment of the 75 percent interim payment or the fair and reasonable rate without a contract does not preclude the negotiation of a contract based upon an agreed rate, such contract to be effective as of the termination date of the prior contract and to supersede the rate previously determined by the Veterans' Administration to be fair and reasonable or the 75 percent rate, whichever prevails. In any case where the contract, if final, would establish a "frozen" rate, the rate finally determined by the Board on appeal or review will be the frozen rate.

(10) If a rate prescribed pursuant to Public Law 266, 81st Congress was in effect on July 13, 1950, it will continue to be paid until a contract rate is established, unless such rate is superseded by a frozen rate as of July 13, 1950. If, as in the case of a new school or course, there is no "last rate paid", an interim agreed rate pending determination of the contract rate may be paid without prejudice to either party. Subject to the provisions of subparagraphs (4) and (5) of this paragraph, a frozen rate is payable from the end of the period covered by the contract establishing such rate, whether under Public Law 266 or Public Law 610, and the renewal of the contract is not required, but in all cases where it is agreeable to the institution the contracts should be renewed so as to set forth clearly other contractual provisions as well as the frozen tuition rate.

(11) This subparagraph concerns special cases involving surplus or deficit. Where contracts have been or in the future are entered into with nonprofit institutions and an adjustment in the tuition rate to take into consideration a surplus or deficit has been or will be made, the customary cost of tuition established by any such contract will be the fair and reasonable rate excluding the adjustments for surplus or deficit. Surplus or deficit adjustments will be made at the termination of any contract which was in effect on July 13, 1950, where such contract was made with the understanding that the surplus or deficit would be so adjusted. Surplus or deficit adjustments will not be made with respect to any contracts entered into with an effective date subsequent to July 13, 1950, where the tuition rate contained in such contract is a "frozen rate".

(12) The provisions of section 2, Public Law 610, 81st Congress, do not apply to correspondence courses, short, intensive courses of less than 30 weeks, institutional on-farm courses, or institutions of higher learning.

(b) *Interim payments during negotiations for a contract or the pendency of an appeal.* Where an institution is entitled to receive interim payments, such interim payments will be made, upon appropriate claim therefor, at the amounts determined to be fair and reasonable tuition for the course, provided that in no case shall the interim payments during the period of contract negotiations or the pendency of an appeal be at a rate less than 75 percent of the most recent rate paid to the school immediately prior to such contract negotiations or the filing of the appeal.

(c) *Appeals.* Section 2, Public Law 610, provides for an appeal to the Veterans' Education Appeals Board and for review of any contract covering a period subsequent to August 24, 1949.

(d) *Special considerations involving payments to institutions and charges against entitlement.* When, pursuant to this section, a retroactive increase in the rates of tuition is authorized and required because of action of the Veterans' Education Appeals Board or the negotiation of a contract superseding an interim rate or a fair and reasonable determination, the amount payable as such to the institution in behalf of an individual veteran will be limited to the rate of $500 for an ordinary school year unless the veteran has elected to have excess charges paid by the Veterans' Administration, in which event the amount payable to the institution may not in any case exceed the amount represented by the dollar value of the veteran's unencumbered remaining entitlement. (Instruction 1, Public Law 610, 81st Congress)

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 11a, 694, 707)

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 50-8477; Filed, Sept. 29, 1950; 9:00 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

FINLAND AND FRENCH SETTLEMENTS IN INDIA

EDITORIAL NOTE: In Federal Register Document 50-8365, appearing on page 6474 of the issue for Tuesday, September 26, 1950, paragraph (b) (4-a) of § 127.251 should be designated paragraph (b) (3a).

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL, OR PERIODICAL REPORTS

ANALYSIS OF CHARGES AND CREDITS FOR PROTECTIVE SERVICE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 20th day of September A. D. 1950.

The matter of a segregation of revenues and expenses relating to services rendered for the protection of perishable freight being under consideration; and,

It appearing, that every steam railroad subject to the Interstate Commerce Act and having annual operating revenues above $1,000,000 is required to file periodical quarterly reports of charges and credits for such protective services pursuant to an order (§ 120.75) entered November 22, 1948, and in the form prescribed by that order; and good cause appearing:

It is ordered, That § 120.75 (order of November 22, 1948), be, and it is hereby, vacated and set aside; and,

It is further ordered, That quarterly reports to be filed pursuant to that order be, and they are hereby, waived.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8570; Filed, Sept. 29, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 44]

UNITED STATES STANDARDS FOR EDIBLE SUGARCANE MOLASSES

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 50-8412, appearing at page 6474 of the issue for Tuesday, September 26, 1950, the following changes should be made:

1. In the table under § 44.3 (d) the headnote "not more than 200 percent" should read "Not more than 200".

2. Paragraph (a) (3) of § 44.5 should read:

(3) *Solution C.* Dissolve 50 grams of $FeCl_3 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

[7 CFR, Part 44]

UNITED STATES STANDARDS FOR SUGARCANE SIRUP

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 50-8411, appearing at page 6476 of the issue for Tuesday, September 26, 1950, in the table under § 44.23 (c) the headnote "Not more than 100 percent" should read "Not more than 100."

[7 CFR, Parts 723, 727]

CIGAR-FILLER AND CIGAR-BINDER TOBACCO, AND CIGAR-FILLER TOBACCO AND MARYLAND TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF TOBACCO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR THE 1951-52 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for the 1951 crops of Maryland tobacco, cigar-filler and cigar-binder tobacco, and cigar-filler tobacco if marketing quotas are in effect during the 1951-52 marketing year for any or all of such kinds of tobacco.

The applicability of the regulations to be issued for any such kind of tobacco will be contingent upon the proclamation of a national marketing quota for such kind of tobacco pursuant to section 312 of the act (7 U. S. C. 1312), and upon approval of quotas by growers voting in a referendum. Subsection (a) of section 312 of the act requires the Secretary to proclaim a national marketing quota for any kind of tobacco whenever he finds that the total supply of such kind of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor. Section 312 (b) of the act requires the Secretary, within 30 days after the issuance of the proclamation specified in section 312 (a), to conduct a referendum of farmers who were engaged in production of the crop of such kind of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the Secretary is required to proclaim (prior to the 1st day of January) the result of the referendum and such quota shall not be effective thereafter.

Subsections (b) and (g) of section 313 of the act (7 U. S. C. 1313) provide that the Secretary shall provide, through the local committees, for the allocation of the State tobacco acreage allotment among the farms on which such kind of tobacco is produced, on the basis of the following: past acreage of tobacco, making due allowance for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco, except that for farms on which no tobacco was produced for market during the five years 1946-50 or a farm operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced, the farm-acreage allotment shall be increased by the smaller of (1) 20 per centum of such allotment or (2) the percentage by which the result obtained by multiplying the normal yield by the acreage allotment (as determined through the local committees in accordance with regulations prescribed by the Secretary) is less than two thousand four hundred pounds.

Subsections (c) and (g) of section 313 of the act provide that the Secretary shall provide, through local committees, for the allotment of not in excess of 5 per centum of the national marketing quota (1) to farms in any State whether it has a State quota or not on which for the first time in five years tobacco is produced to be marketed in the year for which the quota is effective, and (2) for further increase of allotments to small farms pursuant to the proviso in section 313 (b) on the basis of the following: the past tobacco experience of the farm operator; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. Provision is made that farm marketing quotas established pursuant to section 313 (c) of the act for farms on which tobacco will be produced for the first time in five years may not exceed 75 per centum of the farm marketing quotas established pursuant to section 313 (b) for farms which are similar with respect to the following: Land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 26th day of September 1950.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. A. Doc. 50-8577; Filed, Sept. 29, 1950; 8:49 a. m.]

[7 CFR, Part 907]

HANDLING OF MILK IN MILWAUKEE, WIS., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Milwaukee, Wisconsin, February 6-13, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 246, Doc. 50-468).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on June 13, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 16, 1950 (15 F. R. 3829). The closing date for filing exceptions was originally set as June 28, 1950. However, the period reserved for this purpose was extended to July 5, 1950 (15 F. R. 4230) and further extended to July 20, 1950 (15 F. R. 4343).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 50-5167, 15 F. R. 3829) are hereby approved and adopted as the findings and conclusions of this decision

as if set forth in full herein subject to the following revisions:

1. Delete the third paragraph beginning in column 3, 15 F. R. 3830 (F. R. Doc. 50-5167) and substitute therefor the following:

"(b) Four classes of milk should be established."

2. Delete the last paragraph beginning in column 3, 15 F. R. 3830 (F. R. Doc. 50-5167) and substitute therefor the following:

Class III milk would include all milk the butterfat from which is contained in (i) a product not specified in Class I milk, Class II milk, or Class IV milk, including (but not limited to) ice cream, ice cream mix, evaporated milk, condensed milk, nonfat dry milk solids, whole milk powder, eggnog, topping, casein, yogurt, and aerated cream products disposed of with flavor or sweetening added in containers or dispensers under pressure, and (ii) bulk fluid milk, fluid skim milk, or fluid cream disposed of to bakeries, soup companies, candy manufacturers or other food processors in their capacity as such.

Class IV milk would include all milk the butterfat from which is (i) contained in butter, cheese (except cottage cheese) and livestock feed, (ii) contained in monthly inventory variations, and (iii) actual shrinkage, but not to exceed 2½ percent of the total pounds of butterfat in producer milk and actual shrinkage of other source milk: *Provided*, That such shrinkage shall be allowed in this class only if records of total utilization satisfactory to the market administrator are available.

3. Delete in their entirety the second and third paragraphs beginning in column 1, 15 F. R. 3831 (F. R. Doc. 50-5167) and substitute therefor the following:

Class III milk and Class IV milk include those products which do not appear to be under restriction in any part of the marketing area as to the quality of milk used in their manufacture. Such products ordinarily are sold, sometimes outside the market, in competition with products made from manufacturing milk. It was originally proposed that one classification be established for all such products. However, at least one handler relies on the manufacture of cheese as his major outlet for seasonal surpluses of milk and since milk for evaporated milk or ice cream, the principal Class III uses, sometimes varies in value considerably from milk for butter and cheese, it is concluded that a separate class (Class IV) be established to cover the latter products.

Shrinkage, milk for livestock feed, and inventory variations are covered also in Class IV under the revised plan in order to associate the lowest class price with these items. The shrinkage allowance would be limited to 2½ percent of the butterfat in producer milk received and to shrinkage of butterfat in other source milk. Any shrinkage over this amount would be classified as Class I milk. The maximum limit for the amount of shrinkage to be allowed in Class IV milk, as proposed by producers, is in line with allowances for comparable classification in other markets under regulation.

4. Insert a period following the word "Chicago" in line 8 of the third paragraph beginning in column 1, 15 F. R. 3832 (F. R. Doc. 50-5167).

5. Delete the fourth paragraph beginning in column 1, 15 F. R. 3832 (F. R. Doc. 50-5167) and substitute therefor the following:

It is concluded that the prices for Class III milk should be determined by averaging, for each month, the prices to dairy farmers at three local condensaries, except that in the event prices cannot be ascertained at one or more of these plants the prices paid by two other local condensaries should be included in arriving at the average. It was originally proposed that prices at four local condensaries should be averaged for this purpose (with alternates to be used in the absence of more than one of such prices) but official notice is taken that one of the four plants originally named has ceased operations since the date of the hearing, and therefore the remaining three plants are specified in the attached order. This method of pricing Class III milk was proposed by the producers and supported by certain of the handlers. Proponents pointed out that Milwaukee handlers have very limited manufacturing facilities and that milk received in excess of fluid market needs is disposed of mostly to nearby condensaries. Further testimony indicated that prices paid dairy farmers by such plants for milk for manufacturing purposes closely reflect local values of manufacturing milk. The evidence offered by the Milwaukee handlers supports these views.

Butter and cheese should be priced separately as Class IV milk. The value of milk for these purposes sometimes varies appreciably from the value of milk for evaporated milk or ice cream, which are the principal uses in Class III. The Class IV price formula employed is similar to that in use under the Chicago and Suburban Chicago orders. The price formulas for Class III and Class IV milk adopted should facilitate the disposition of seasonal surpluses.

6. Delete the last paragraph beginning in column 1, 15 F. R. 3832 and the first paragraph in column 2, 15 F. R. 3832 (F. R. Doc. 50-5167) and substitute therefor the following:

The hearing notice contained a proposal that the butterfat differential to producers be established at an amount equivalent to one-tenth the average wholesale price per pound of 92-score butter in the Chicago market. At the hearing the producer proponents suggested a differential of 5 cents for each point (one-tenth of 1 percent) of butterfat variance from 3.5 percent. In their exceptions, however, proponents indicated a preference for a butterfat differential of 6 cents per point. Another proposal made at the hearing would establish the butterfat differential at one-tenth the price of 92-score butter plus 20 percent which is the same as the formula used in the Chicago market.

It is concluded that the butterfat differential for producer milk testing other than 3.5 percent should be established as one-tenth the price of 92-score butter at Chicago plus 20 percent. It is recognized that such a differential will be higher than that employed in the past under bargaining arrangements. However, as stated previously, the record indicates that in the main milk in excess of the needs of the market for fluid milk, fluid milk by-products and fluid cream is utilized in cottage cheese or ice cream for sale within the marketing area or is disposed of to manufacturing plants for utilization in evaporated milk or cheese. The proposal of the producer proponents would price butterfat represented by tests higher than 3.5 percent at less than its market value even for manufacture into butter, customarily the lowest-valued outlet for butterfat. Adoption of the proponents proposal would place butterfat over 3.5 percent on a slightly lower value scale than does the formula adopted for determining the Class IV price for 3.5 percent milk. The major outlets for such butterfat indicate the propriety of a somewhat higher return to producers than would be realized from the manufacture of butter.

7. Delete in their entirety the second and third paragraphs beginning in column 3, 15 F. R. 3832 (F. R. Doc. 50-5167) and substitute therefor the following:

It is concluded that, except for certain details, a plan similar to that of the proponents should be adopted. Under such arrangement a producer who ships not less than 75 days during the short production months of September through December will receive a base computed by increasing, in the first year, his daily average deliveries in the September-December period by 40 percent. Reductions in such percentage will be made in subsequent years as specified. Other producers will receive bases computed by applying to their respective deliveries during each of the flush production months the percentage that total base milk is to total deliveries for all producers (shipping to such handler in such month) whose bases were established on September-December deliveries.

It appears that at the outset such plan will have impact only on those producers with unusually wide seasonal variations in production in relation to the market average. The total volume of milk in excess of base deliveries probably will be relatively small until the amount added to September-December deliveries is reduced below 40 percent of such deliveries. An assignment of high bases in relation to the amount of milk used for fluid milk and cream purposes tends, of course, to reduce the base price and the incentive to alter production plans on the farm to adjust production to the more even pattern of fluid milk and cream use. On the other hand, a base plan has not been in operation in the past with respect to all producers supplying the marketing area and, therefore, a gradual approach to the ultimate goal is adopted.

To carry out the provisions of the plan adopted, it is necessary to provide that each handler report his receipts of milk from each producer, and such other information as may be necessary for the market administrator to compute the

base of each producer, beginning with September 1, 1950.

Rulings on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the proposed order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the proposed order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of May 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," and "Order Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 27th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area

AUTHORITY: §§ 907.0 to 907.111 issued under 48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 5 U. S. C. 133y-16.

§ 907.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held February 6–13, 1950, at Milwaukee, Wisconsin, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 3 cents per hundredweight or such amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, with respect to all (a) producer milk (including such handler's own production) received during the month and (b) other source milk classified as Class I milk or Class II milk during the month.

Order relative to handling. It is therefore ordered that on and after the effec-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

tive date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 907.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 907.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 907.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 907.4 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 907.10 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales or marketing milk or its products for its members.

§ 907.5 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this order.

§ 907.6 *Milwaukee, Wisconsin, marketing area.* "Milwaukee, Wisconsin, marketing area," hereinafter called the "marketing area" means the territory (including all municipal corporations) lying within the county of Milwaukee; the towns of Brookfield, New Berlin, Muskego and Menomonee, and the villages of Menomonee Falls, Lannon, and Butler in the county of Waukesha; the towns of Mequon, Cedarburg and Grafton, the city of Cedarburg, and the villages of Grafton and Thiensville in the County of Ozaukee; and the towns of Germantown and Jackson and the villages of Germantown and Jackson in the county of Washington; all in the State of Wisconsin.

§ 907.7 *Route.* "Route" means any delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk or flavored milk drink in fluid form to a wholesale or retail stop(s), including a State or municipal institution, other than to any milk processing or distributing plant.

§ 907.8 *Fluid milk plant.* "Fluid milk plant" means any milk plant from which a route is operated in the marketing area.

§ 907.9 *Receiving station.* "Receiving station" means any milk plant operated by a person who also operates a fluid milk plant and utilized principally to receive milk from dairy farms and prepare such milk for transfer to a fluid milk plant.

§ 907.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received directly from the farm where produced at either a fluid milk plant or receiving station: *Provided*, That this definition shall not include (a) any such person whose milk is not eligible for disposition as Class I milk by the purchasing handler under the health requirements applicable to the dairy farm supply of milk for any community in the marketing area in which such handler operates a route, or (b) any such person with respect to milk except under the conditions of §§ 907.90 and 907.91. This definition shall include any person who is regularly classified as a producer but whose milk is caused to be diverted to a nonfluid milk plant by a handler, and milk so diverted shall be deemed to have been received by the handler at the fluid milk plant or receiving station from which it was diverted.

§ 907.11 *Producer milk.* "Producer milk" means milk produced by one or more producers.

§ 907.12 *Handler.* "Handler" means any person, including any cooperative association, in his capacity as the operator of a fluid milk plant or receiving station.

§ 907.13 *Producer-handler.* "Producer-handler" means any individual who produces milk and operates a fluid milk plant, but who receives no milk from other producers.

§ 907.14 *Other source milk.* "Other source milk" means all milk and milk products other than producer milk or receipts from other handlers.

§ 907.15 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk processing or distributing plant not a fluid milk plant or receiving station.

§ 907.16 *Base.* "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 907.60.

§ 907.17 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April, May, June, or July which is not in excess of such producer's base multiplied by the number of days of delivery during such month.

§ 907.18 *Excess milk.* "Excess milk" means producer milk received by a handler in any of the months of April, May, June, or July in excess of base milk received from such producer during such month.

MARKET ADMINISTRATOR

§ 907.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the secretary, who shall be entitled to such compensation as may be determined and shall be subject to removal at the discretion of the secretary.

§ 907.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 907.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date upon which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of the order;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 907.82 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 907.83) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for by this order, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments by each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, and by such investigation as the market administrator deems necessary.

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 907.30 and 907.31, or (2) payments pursuant to § 907.80.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk and Class II milk, computed pursuant to § 907.51, for such month;

(2) On or before the 5th day of each month the minimum prices for Class III milk and Class IV milk computed pursuant to § 907.51, and the butterfat differential computed pursuant to § 907.81, for the preceding month; and

(3) On or before the 12th day of each month the uniform prices computed pursuant to §§ 907.71 and 907.72 for the preceding month.

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 907.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the receipts and utilization at his fluid milk plant(s) and receiving station(s) for such month, as follows:

(a) The quantities and butterfat content of producer milk received (including such handler's own farm production);

(b) The aggregate quantities of base milk and excess milk;

(c) The quantities of milk and milk products, with the butterfat content thereof, received from other handlers;

(d) The quantities of other source milk, with butterfat content thereof, received (except Class III milk and Class IV milk products disposed of in the form in which received without further processing by the handler);

(e) The utilization of all receipts of milk and milk products; and

(f) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 907.31 *Payroll reports.* On or before the 19th day of each month each handler shall submit to the market administrator his producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer, including for the months of April through July such producer's deliveries of base milk and excess milk, (b) the number of days on which milk was received from each producer, (c) the total pounds of milk received from each cooperative association and the total pounds of butterfat contained in such milk, (d) the amount of payment to each producer or cooperative association, (e) the nature and amount of any deductions or charges involved in such payments, and (f) such other information with respect thereto as the market administrator may request.

§ 907.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) As requested by the market administrator, each handler shall report the information described in paragraphs (a) and (b) of § 907.31 together with such other information as the market administrator may prescribe for prior calendar months included in the period beginning with September 1950 to the effective date of this order.

§ 907.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative, during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify, or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk, milk and milk products from other handlers, and other source milk;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) Payments to producers or to cooperative associations, and

(d) The pounds of milk and milk products, with butterfat content, on hand at the beginning and end of each month.

§ 907.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 907.40 *Basis of classification.* All milk and milk products received within the month by a handler which are required to be reported pursuant to § 907.30 shall be classified by the market administrator pursuant to the provisions of § 907.41 through § 907.47.

§ 907.41 *Classes of utilization.* Subject to the conditions of § 907.44 through § 907.47 the classes of utilization shall be as follows:

(a) Class I milk shall be (1) all milk disposed of in fluid form as milk, skim milk, buttermilk, flavored milk or flavored milk drink, except any such item disposed of in bulk to bakeries, soup companies, candy manufacturing establishments or other food processors in their capacity as such, and (2) all milk not accounted for as Class II milk or Class III milk.

(b) Class II milk shall be all milk the butterfat from which is contained in sweet or sour cream, any cream product in fluid form having more than 6 percent butterfat, and cottage cheese, except butterfat in cream or such cream products disposed of in bulk fluid form to bakeries, soup companies, candy manufacturing establishments or other food processors in their capacity as such.

(c) Class III milk shall be all milk the butterfat from which is contained in (1) a product not specified as Class I milk, Class II milk, or Class IV milk, including (but not limited to) ice cream, ice cream mix, evaporated milk, condensed milk, nonfat dry milk solids, whole milk powder, eggnog, topping, casein, yogurt, and aerated cream products disposed of with flavor or sweetening added in containers or dispensers under pressure, and (2) bulk fluid milk, bulk fluid skim milk or bulk fluid cream disposed of to bakeries, soup companies, candy manufacturers or other food processors in their capacity as such.

(d) Class IV milk shall be all milk the butterfat from which is (1) contained in butter, cheese (except cottage cheese), and livestock feed, (2) contained in monthly inventory variations, and (3) actual shrinkage but not to exceed 2½ percent of the total pounds of butterfat in producer milk and actual shrinkage of butterfat in other source milk: *Provided,* That such shrinkage shall be allowed in this class only if records of total utilization satisfactory to the market administrator are available.

§ 907.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's total receipts as follows:

(a) Compute the total shrinkage of butterfat for such handler;

(b) Prorate the resulting amount among the receipts of butterfat in producer milk, other source milk, and receipts from other handlers in accordance with the total volumes of butterfat received from each such source.

§ 907.43 *Responsibility of handlers.* In establishing classification the responsibility of handlers shall be as follows: Any producer milk shall be classified as Class I milk unless the handler who received such milk directly from producers proves to the satisfaction of the market administrator that such milk should be classified in another class without regard to whether such milk has been used or disposed of (whether in original or other form) by such handler, by any other handler(s), or in any nonfluid milk plant.

§ 907.44 *Correction of classification and reclassification of milk.* (a) The classification of any milk or milk product shall be corrected by the market administrator if upon his audit it is found that such classification was reported incorrectly or incompletely by the handler.

(b) Any milk or milk product reported by a handler as having been used or disposed of in any class which is found by the market administrator to have been reused or redisposed of (whether in original or other form) in a different class by such handler, by any other handler(s) or in any nonfluid milk plant(s) shall be reclassified by the market administrator in accordance with such latter use or disposition.

§ 907.45 *Disposition to other milk plants.* (a) Any milk or skim milk in fluid form disposed of in bulk from a fluid milk plant or receiving station to any such plant of another handler, except a producer-handler, shall be classified as Class I milk, and any cream so

disposed of shall be classified as Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred, in which case such milk, skim milk or cream shall be classified according to such mutual agreement: *Provided*, That in no event shall the quantity so reported in any class exceed the total use in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 907.47.

(b) Any milk or skim milk in fluid form disposed of from a fluid milk plant or receiving station to any nonfluid milk plant shall be classified as Class I milk, and any cream so disposed of shall be classified as Class II milk, unless all of the following conditions are met:

(1) The transferee-plant is located within 100 air-line miles from the City Hall in Milwaukee, Wisconsin;

(2) The transferring handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the handler and the operator of the nonfluid milk plant on or before the 7th day after the end of the month within which such transaction occurred;

(3) The operator of the nonfluid milk plant maintains books and records showing the utilization of milk and milk products received at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of milk or milk products actually were utilized during the month in such plant in the use indicated in such statement, in which case the quantity so disposed of shall be classified according to such mutual agreement: *Provided*, That if upon the inspection of the records of such plant it is found that an equivalent amount of milk or milk products actually were not used during the month in such indicated use the remaining pounds shall be classified as Class I milk if milk or skim milk or as Class II milk if cream.

(c) Any milk or skim milk in fluid form disposed of in bulk from a fluid milk plant or receiving station to a fluid milk plant of a producer-handler shall be classified as Class I milk and cream so disposed of shall be Class II milk.

§ 907.46 *Computation of volume of milk in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the total pounds of milk received and the pounds of milk in each class, for such handler for such month, as follows:

(a) Determine the total pounds of milk and milk products received from producers (including his own farm production), from other handlers, and as other source milk, and add together the resulting amounts.

(b) Determine the total pounds of butterfat received as follows: multiply by its average butterfat test the weight of milk received from producers (including his own farm production), from other handlers, and as other source milk, and add together the resulting amounts.

(c) Determine the total pounds of Class I milk, as follows:

(1) Convert to pounds on the basis of 2.15 pounds per quart (in the case of flavored milk and flavored milk drinks 2.0 pounds per quart) the volume disposed of as each of the several items of Class I milk;

(2) Multiply each of the resulting amounts by its average butterfat test (in the case of flavored milk and flavored milk drinks the test to be used shall be the average fat (including chocolate or other fat) test of the finished product if the handler's production records do not show the amount of butterfat contained therein), and add together the results so obtained;

(3) If the total pounds of butterfat so computed when added to the sum of the pounds of butterfat computed pursuant to paragraphs (d) (2), (e) (2), and (f) (7) of this section are less than the total pounds of butterfat computed pursuant to paragraph (b) of this section, divide the difference by 0.035; and

(4) Add togethed the results obtained pursuant to subparagraphs (1) and (3) of this paragraph.

(d) Determine the total pounds of Class II milk as follows:

(1) Multiply the actual weight of each of the several items of Class II milk by its average butterfat test;

(2) Add together the resulting amounts, and

(3) Divide the result obtained in subparagraph (2) of this paragraph by 0.035.

(e) Determine the total pounds of Class III milk as follows:

(1) Multiply the actual weight of each of the items of Class III milk by its average butterfat test;

(2) Add together the resulting amounts; and

(3) Divide the result obtained in subparagraph (2) of this paragraph by 0.035.

(f) Determine the total pounds of Class IV milk as follows:

(1) Multiply the actual weight of each of the several items of Class IV milk by its average butterfat test;

(2) Determine the difference in pounds of butterfat contained in inventories at the beginning and end of the month;

(3) Add the pounds of butterfat contained in subparagraphs (1) and (2) of this paragraph;

(4) Add the total pounds of butterfat computed pursuant to paragraphs (c) (2), (d) (2) and (e) (2) of this section to the total pounds of butterfat computed pursuant to subparagraph (3) of this paragraph;

(5) Subtract the total pounds of butterfat computed pursuant to subparagraph (4) of this paragraph from the total pounds of butterfat computed pursuant to paragraph (b) of this section, and the difference is the pounds of butterfat in actual shrinkage: *Provided*, That if such difference is a minus quantity, the amount of butterfat shrinkage shall be zero for purposes of all computations required by this section.

(6) Determine the maximum number of pounds of butterfat shrinkage in Class IV milk by (i) multiplying by 0.025 the total pounds of butterfat in milk received from producers, and (ii) adding the prorata amount of butterfat shrinkage of other source milk computed pursuant to § 907.42: *Provided*, That the pounds determined pursuant to this subparagraph shall be zero if records of utilization satisfactory to the market administrator are not available.

(7) Add the pounds of butterfat obtained in subparagraph (3) of this paragraph to the smaller of the amounts determined pursuant to subparagraph (5) or (6) of this paragraph; and

(8) Divide the pounds of butterfat obtained in subparagraph (7) of this paragraph by 0.035.

(g) Determine the pounds of butterfat overrun as follows: In the event the pounds of butterfat computed pursuant to paragraph (f) (4) of this section are greater than the pounds of butterfat computed pursuant to paragraph (b) of this section, subtract the smaller amount from the larger amount, and divide the result by .035.

§ 907.47 *Allocation of milk classified.* The pounds remaining in each class after making the following computations shall be the amount in such class allocated to producer milk:

(a) Subtract from the pounds of Class IV milk the pounds of shrinkage allowed in such class pursuant to § 907.46 (f) (6) (ii);

(b) Subtract in series beginning with the remaining Class IV milk (other than inventory variation and shrinkage), the pounds of 3.5 percent milk equivalent of other source milk received other than the amount represented by butterfat shrinkage of other source milk; and

(c) Subtract from the pounds of milk remaining in each class (other than shrinkage in Class IV milk) the pounds of milk (in Class II milk, Class III milk and Class IV milk the 3.5 percent milk equivalent of butterfat) received from other handlers and assigned to such class; and

(d) In the event the total pounds of milk remaining in the several classes are greater, or less, than the pounds of milk received from producers (including the handler's own farm production) plus the 3.5 percent milk equivalent of butterfat overrun, reconciliation shall be effected by respectively deducting such differences from, or adding such differences to, the pounds of milk which are priced at the lowest announced class price for the month.

MINIMUM PRICES

§ 907.50 *Basic formula price to be used in determining Class I and Class II milk prices.* The basic formula price to be used in determining the prices per hundredweight of Class I milk and Class II milk for each month shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section for the preceding month.

(a) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from

farmers during the month at the following plants or places for which prices have been reported to the U. S. D. A. or to the market administrator.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., West Bend, Wis.
White House Milk Co., Manitowoc, Wis.

(b) The price per hundredweight computed from the following formula:

(1) Multiply the simple average, as computed by the market administrator, of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. during the month, by 6;

(2) Add 2.4 times the simple average, as published by the U. S. D. A. of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 3.5.

(c) The price per hundredweight computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. during the month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A.; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 907.51 *Class prices.* Each handler, at the time and in the manner set forth in § 907.80, shall pay per hundredweight of milk received during each month from producers or from a cooperative association at his fluid milk plant(s) or receiving station(s) not less than the prices set forth below in this section:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amount as indicated: May and June, $0.46; August, September, October and November, $0.86; all others, $0.66.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amount as indicated: May and June, $0.30; August, September, October and November, $0.50; all others, $0.40.

(c) *Class III milk.* The price for Class III milk shall be the average of the prices per hundredweight reported to have been paid, or to be paid, for the current month to farmers for milk containing 3.5 percent butterfat received during such month at the following listed manufacturing plants or places for which prices are reported to the U. S. D. A. or to the market administrator:

Companies and Location

Kraft Foods, Inc., Hartford, Wis.
Carnation Co., Oconomowoc, Wis.
White House Milk Co., West Bend, Wis.

Provided, That if the price paid, or to be paid, at one or more of such plants is not so reported, the market administrator shall include in the computation of such average the prices per hundredweight reported to have been paid, or to be paid, for the current month for milk containing 3.5 percent butterfat received during such month at the following listed manufacturing plants for which prices are reported to the U. S. D. A. or to the market administrator:

Companies and Location

Armour & Co., Stoughton, Wis.
United Milk Products Co., Johnson Creek, Wis.

Provided, That in no event shall the price for Class III milk be lower than the price for Class IV milk.

(d) *Class IV milk.* The price for Class IV milk shall be the same as that computed pursuant to § 907.50 (c).

DETERMINATION OF BASE

§ 907.60 *Computation of base for each producer.* For each of the months of April through July of each year the market administrator shall compute a base for each producer as follows, subject to the rules set forth in § 907.61:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than seventy-five, of such producer's delivery in such period, and increase the resulting amount by the following applicable percentage: (1) For the first April through July following the effective date of the order, forty percent (40%), (2) for the second April through July following the effective date of the order, thirty percent (30%), and (3) for each April through July thereafter, twenty percent (20%): *Provided*, That each producer who does not deliver milk in accordance with the requirements set forth above in this paragraph shall have a base computed in the following manner: For each of such months of April through July (1) determine with respect to the handler who received such producer's milk on the last day of such month the percentage that total base milk is to total monthly receipts from all producers (of such handler) whose bases were established on the basis of deliveries during the preceding months of September through December, and (2) multiply such producer's daily average deliveries during the appropriate month (April, May, June or July) by such percentage.

§ 907.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship to the base of each landlord and tenant shall be combined.

(b) A landlord who rents on a share basis shall be entitled to the entire base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the base shall be a combined base to the divided proportionately between the joint owners according to ownership of the cattle when such share basis is terminated: *Provided*, That upon termination of such share basis either party may relinquish his individual base and establish a new base in accordance with the method set forth in the proviso of § 907.60.

(c) A base may be transferred to another producer only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his immediate family who carry on the dairy operations, or (2) on the retirement of a producer, his base may be transferred to a member or members of his immediate family who carry on the dairy operations.

(d) The bases of two or more producers may be combined in the case where a partnership is formed, and may be divided in the case of the dissolution of a partnership proportionately among the partners according to the ownership of the cattle.

(e) In the case of a tenant or landlord having no base who combines herds with a tenant or landlord having a base, such base may be relinquished and a new base formed with respect to the total deliveries of the combined herds in accordance with the method set forth in the proviso of § 907.60.

(f) As soon as bases are allotted to producers pursuant to § 907.60, the market administrator shall notify each handler of the bases of producers from whom such handler receives milk.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 907.70 *Computation of milk value for each handler.* On or before the 12th day of each month, the market administrator shall examine for mathematical correctness and obvious errors the report of receipts and utilization submitted

by each handler for the preceding month and shall make such corrections as such examination shall indicate to be appropriate, and from such corrected reports he shall compute the value of all producer milk received by such handler (including such handler's own farm production), by multiplying the total hundredweight of such milk in each class by the applicable class price and adding together the resulting amounts.

§ 907.71 *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of producer milk for each of the months of August through March in the following manner: To the value computed pursuant to § 907.70:

(a) Add or deduct, as the case may be, the amount of money involved in adjustments resulting from verification by the market administrator of the handler's reports for previous months;

(b) Add or deduct, as the case may be, the amount of money involved in adjusting the handler's preceding month's uniform prices to the nearest cent;

(c) Divide by the hundredweight of producer milk received by such handler and adjust to the nearest cent. This result shall be known as the uniform price of such handler for milk of 3.5 percent butterfat content received at his fluid milk plant(s) or receiving station(s).

§ 907.72 *Computation of uniform prices for base milk and excess milk.* The market administrator shall compute for each handler the uniform prices per hundredweight of base milk and excess milk for each of the months of April through July as follows: To the value computed pursuant to § 907.70:

(a) Add or deduct, as the case may be, the amount of money involved in adjustments resulting from verification by the market administrator of the handler's reports for previous months;

(b) Add or deduct, as the case may be, the amount of money involved in adjusting the handler's preceding month's uniform prices to the nearest cent;

(c) Compute the total value of excess milk received by such handler by multiplying the hundredweight of such excess milk by the Class IV price for 3.5 percent milk, and adding any amount resulting from the proviso of paragraph (d) of this section;

(d) Compute the total value of base milk received by such handler by subtracting the amount computed pursuant to paragraph (c) of this section from the amount computed pursuant to paragraph (b) of this section: *Provided*, That if such resulting amount is greater than an amount computed by multiplying the pounds of base milk received by such handler by the Class I price (3.5 percent milk) such value in excess thereof shall be included in the total value of excess milk computed in paragraph (c) of this section;

(e) Divide the result obtained in paragraph (d) of this section by the hundredweight of base milk received by such handler, and adjust to the nearest cent. This result shall be known as the uniform price per hundredweight of such handler for base milk of 3.5 percent butterfat content received at his fluid milk plant(s) or receiving station(s).

(f) Divide the result obtained in paragraph (c) of this section by the hundredweight of excess milk, and adjust to the nearest cent. This result shall be known as the uniform price per hundredweight of such handler for excess milk of 3.5 percent butterfat content received at his fluid milk plant(s) or receiving station(s).

PAYMENTS

§ 907.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each of the months of August through March, each handler shall make payment to each producer for milk received from such producer during such month at not less than the uniform price per hundredweight computed for such handler (§ 907.71), subject to the butterfat differential provided by § 907.81 and to the deduction specified in § 907.83: *Provided*, That if a cooperative association of which such producer is a member is authorized to receive payment for such producer and requests receipt of such payment, payment shall be made to such cooperative association on or before the 13th day after the end of such month: *And provided also*, That the provisions of this paragraph shall not be construed to restrict any cooperative association qualified under section 8c (5) (f) of the act from making payment for milk to its producers in accordance with such provision of the act;

(b) On or before the 15th day after the end of each of the months of April through July each handler shall make payment to each producer for milk received from such producer during such month as follows, subject to the butterfat differential provided by § 907.81, the deduction specified in § 907.83, and both provisos of paragraph (a) of this section:

(1) At not less than the uniform price per hundredweight for base milk (§ 907.72) with respect to base milk received from such producer; and

(2) At not less than the uniform price per hundredweight for excess milk (§ 907.72) with respect to excess milk received from such producer.

(c) On or before the 15th day after the end of each month each handler shall pay to each cooperative association which is a handler, for receipts of milk or milk products subject to classification pursuant to §§ 907.40 and 907.41, an amount of money representing not less than the total value of such milk or milk products computed by multiplying the pounds in each class by the applicable class price per hundredweight subject to a butterfat differential computed as in § 907.81.

§ 907.81 *Butterfat differential to producers.* In making payments pursuant to § 907.80, there shall be added to or subtracted from the applicable price for each one-tenth of one percent that the average of butterfat content of milk received from any producer is above or below 3.5 percent, as the case may be, an amount computed as follows: To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U. S. D. A. for the month during which the milk was received, add 20 percent, divide the result by 10, and adjust to the nearest one-tenth cent.

§ 907.82 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 907.22, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 3 cents per hundredweight, or such amount not exceeding 3 cents per hundredweight, as the Secretary from time to time may prescribe, with respect to all (a) producer milk (including such handler's own production) received during such month, and (b) other source milk classified as Class I milk or Class II milk during such month.

§ 907.83 *Marketing Services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary from time to time may prescribe, from the payments made pursuant to paragraphs (a) and (b) of § 907.80 for each month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such monies shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the market administrator, the services set forth in paragraph (a) of this section, but for whom such cooperative association does not receive payment for milk, each handler shall make in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of such month pay over such deduction to the cooperative association rendering such services.

§ 907.84 *Adjustment of accounts.* (a) Whenever audit by the market administrator of any handler's reports, records, books, or accounts discloses errors resulting in monies due:

(1) The market administrator from such handler,

(2) Such handler from the market administrator, or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment

set forth in the provision under which such error occurred following the 5th day after such notice.

(b) Any unpaid obligation of a handler pursuant to §§ 907.80 through 907.84 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 907.85 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Services of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 907.90 *Producer-handlers.* Sections 907.40 to 907.47, 907.50 to 907.51, 907.60 to 907.61, 907.70 to 907.72, and 907.80 to 907.85, inclusive, shall not apply to a producer-handler.

§ 907.91 *Milk subject to pricing under other Federal orders.* (a) If any milk is disposed of on a route in a marketing area operated by or for a person otherwise subject to regulation as a handler as defined in any other Federal milk marketing agreement or order issued pursuant to the act, such milk shall be exempt from the provisions of this order, except for such reports as the market administrator may request, unless

(1) The provisions of the order for the other milk marketing area provide for a determination as to the order under which such milk should be priced, and such determination indicates that it shall be priced under this order; or

(2) The other order is that regulating the handling of milk in the suburban Chicago, Illinois, marketing area and the Secretary determines that a greater volume of milk is disposed of by such handler as Class I milk and Class II milk in the marketing area herein defined than is so disposed of in the marketing area defined in such other order.

(b) If any milk, or product thereof, is received at the fluid milk plant or receiving station of a handler subject to the provisions of this order from a person regulated as a handler under another order, it shall be considered as other source milk under this order.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 907.100 *Effective time.* The provisions of this order or any amendments to this order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 907.101 *Suspension or termination.* The Secretary may suspend or terminate this order or any of its provisions whenever he finds that this order or any of its provisions obstruct or do not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 907.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 907.103 *Liquidation.* Upon the suspension or termination of the provisions of this order, except this subpart, the market administrator, or such other liquidating agent, as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 907.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 907.111 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 50-8615; Filed, Sept. 29, 1950; 8:56 a. m.]

[7 CFR, Part 907]

HANDLING OF MILK IN THE MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION THAT THE MONTH OF MAY 1950 IS A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area) who, during the month of May 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid proposed order to determine whether such producers favor the issuance of the proposed order filed simultaneously herewith.

The month of May 1950 is hereby determined to be the representative period for the conduct of such referendum.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER (15 F. R. 5177) on August 10, 1950, such referendum to be completed

on or before the 20th day from the date this order is issued.

Done at Washington, D. C., this 27th day of September 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-8614; Filed, Sept. 29, 1950; 8:56 a. m.]

[7 CFR, Part 994]

HANDLING OF PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO GRADE AND SIZE REGULATIONS

Notice is hereby given that the Department is considering the issuance of the proposals herein set forth in accordance with the provisions of Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR Part 994), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals should forward the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., in sufficient time to be received not later than the close of business on the third day after publication of this notice in the FEDERAL REGISTER.

The Pecan Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, at a duly called meeting in Albany, Georgia, on September 21, 1950, unanimously recommended that, under the authority contained in § 994.4 of said agreement and order, the initial grade and size regulation, as specified in § 994.4 (c), having become effective October 20, 1949 (14 F. R. 6167), be superseded by the grade and size regulation herein set forth. The recommendation is that, for purposes of said marketing agreement and order: the requirement of the U. S. Commercial grade that at least 65 percent of the pecans shall have kernels which meet the U. S. No. 1 grade specifications be raised to at least 75 percent; and the requirement in respect to the tolerance for kernels which are rancid, moldy, decayed, injured by worms, or so shriveled that they are virtually of no food value be reduced from 10 percent to 9 percent.

The committee believes that there are sufficient pecans available for in-shell shipment from the five-State area to satisfy consumer demand, taking into consideration the proposed restrictions. The forecast production of pecans in these States is 50,311,000 pounds, which is approximately equal to the 1949 production. The committee anticipates that raising the grade requirements for pecans which may be handled in-shell will improve their acceptability to the buying trade and to consumers and will tend to stimulate demand. Data and information available to the committee indicate that the quality of the 1950 crop is likely to average considerably better than that of the 1949 crop, and the committee believes that under the recommended higher grade requirements at least as large a percentage of the current pecan crop will be available for in-shell handling as was the case with the preceding crop. Pecans which fail to meet the proposed requirements will, of course, be available for shelling or marketing in local outlets.

The proposal is as follows:

(a) The initial grade and size regulation (Pecan Reg. 1; 14 F. R. 6167) shall be superseded at the effective time of the grade and size regulation set forth in this section.

(b) Beginning at 12:01 a. m., e. s. t., October 9, 1950, no person shall handle, except as provided in § 994.4 (e), any unshelled pecans:

(1) Unless they have a count per pound of less than 91 nuts, and the 10 smallest nuts in a representative 100-nut sample weigh at least 1.5 ounces; and

(2) In addition, meet the requirements of the U. S. Commercial grade as changed for the purpose of this regulation to read in the manner set forth in paragraph (b) (3) of this section.

(3) The pecans shall consist of unshelled pecans which are free from serious damage caused by stains or adhering hulls, split or broken shells, loose hulls or other foreign material, or other means. At least 75 percent, by count, of the pecans in any lot shall have kernels which meet the requirements of U. S. No. 1 grade, and the remainder shall have kernels which are fairly well cured, free from rancidity, molds, decay, and worm injury, and from serious damage caused by shriveling, discoloration, or other means. In order to allow for variations incident to proper grading, the following tolerances shall be permitted:

(i) For external defects (defects of the shell) not more than 10 percent, by count, of the pecans in any lot may be below the requirements of this grade; and

(ii) For internal defects (defects of the kernel) not more than 15 percent, by count, of the pecans in any lot may be below the requirements of this grade, but not more than three-fifths of this amount, or 9 percent, shall be allowed for kernels which are rancid, moldy, decayed, injured by worms, or so shriveled that they are virtually of no food value. No part of any tolerance shall be allowed to reduce for the lot, the 75 percent of kernels required to meet U. S. No. 1 grade.

(c) Terms used herein shall have the same meaning as when used in said marketing agreement and order, or, when applicable, as when used in the United States Standards for Unshelled Pecans (14 F. R. 2543, 2608; 7 CFR 51.342).

Issued at Washington, D. C., this 27th day of September, 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-8612; Filed, Sept. 29, 1950; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 54653]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 26, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 2 W.,
Secs. 16 and 36.
T. 9 S., R. 3 W.,
Sec. 32.
T. 6 S., R. 4 W.,
Sec. 36, SW¼NE¼.
T. 7 S., R. 4 W.,
Sec. 32.
T. 8 S., R. 4 W.,
Sec. 2, S½, S½N½.
T. 9 S., R. 4 W.,
Sec. 32, S½, E½NE¼.
T. 7 S., R. 5 W.,
Sec. 2, lots 1, 2, 3 and 4, S½N½.
T. 9 S., R. 5 W.,
Sec. 2, lots 1, 2, 3 and 4, S½N½;
Sec. 16.
T. 9 S., R. 7 W.,
Sec. 2, lots 1, 2, 3 and 4, S½N½, S½;
T. 6 S., R. 8 W.,
Sec. 2, lot 3, SE¼NW¼;
Sec. 16.
T. 6 S., R. 10 W.,
Sec. 2.
T. 39 N., R. 16 W.,
Sec. 36, SW¼SW¼.
T. 22, N., R. 17 W.,
Sec. 2, lots 1, 2, 3 and 4, S½N½, SW¼
Sec. 32.
T. 19 N., R. 19 W.,
Sec. 36, S½.
T. 21 N., R. 19 W.,
Secs. 2, 16, 32 and 36.
T. 19 N., R. 20 W.,
Sec. 2, lots 1, 2, 3, 4, 5 and 6, N½S½.
T. 21 N., R. 20 W.,
Sec. 2, lots 5, 6, 7, 8, 9, 10, 11 and 12, S½.
T. 10 S., R. 7 E.,
Sec. 32, N½SW¼, SW¼SW¼, N½.

T. 5 S., R. 24 E.,
Sec. 2, lots 1, 2, 3 and 4, SE¼SE¼;
Sec. 36, SW¼, SW¼NW¼.
T. 9 S., R. 27 E.,
Sec. 3, E½SE¼.

The areas described aggregate 12,711 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 50-8554; Filed, Sept. 29, 1950; 8:45 a. m.]

[Misc. 9021]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

SEPTEMBER 25, 1950.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 18 E.,
Sec. 25, N½NE¼.

The area described aggregates 80 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code

of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8555; Filed, Sept. 29, 1950; 8:45 a. m.]

[1695014]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY

SEPTEMBER 25, 1950.

Notice is given that the plat of extension survey of the following described lands accepted January 26, 1949, which were erroneously omitted from the original survey and not shown on the plat approved January 27, 1865, will be officially filed in this Bureau effective at 10:00 a. m. on the 35th day after the date of this notice:

VILAS COUNTY, FOURTH PRINCIPAL MERIDIAN

T. 40 N., R. 5 E.,
Sec. 31, lot 7.

The area described aggregates 50.96 acres.

Available data indicates that the land described is rolling upland with a very small area of swamp land. It is also indicated by available data that the lands are not shown to be swamp or overflowed within the meaning of the act of March 2, 1849 (9 Stat. 352).

The land described is within the exterior boundaries of the Lac Du Flambeau Indian Reservation and subject to administration by the Office of Indian Affairs under appropriate laws and regulations.

In view thereof, upon the official filing of this plat the lands shown thereon will not become subject to disposition under the general public land laws by reason of the filing thereof.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 50-8556; Filed, Sept. 29, 1950; 8:45 a. m.]

Office of the Secretary

[Order No. 2590]

NATIONAL PARK SERVICE

REDELEGATION OF AUTHORITY RESPECTING PURCHASES AND CONTRACTS

SEPTEMBER 25, 1950.

SEC. 1. The authority delegated to the Secretary of the Interior by the Administrator of General Services on August 15, 1950 (15 F. R. 5538), to make purchases and contracts for supplies and services with States, political subdivisions, local governmental units, or agencies of the foregoing, for the performance of road construction or maintenance work of the National Park Service, or for the furnishing of materials, supplies, equipment, or services of any kind in connection therewith, pursuant to the provisions of Title III of the Federal Property and Administrative Services Act of 1949 (41 U. S. C. 1946 ed., Supp. III, secs. 251-260) is redelegated to the Director and the Regional Directors of the National Park Service and to the Superintendents of areas administered by the National Park Service, severally.

SEC. 2. Any official exercising authority under section 1 of this order may make a purchase or a contract on a negotiated basis if, and only if, he determines that the facts are such as to bring the particular purchase or contract within the scope of subdivision (9) of subsection (c) of section 302 of the Federal Property and Administrative Services Act of 1949.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 50-8557; Filed, Sept. 29, 1950; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

REPUBLICAN VALLEY LIVESTOCK AUCTION

DEPOSTING OF STOCKYARD

It has been ascertained that the Republican Valley Livestock Auction, Franklin, Nebraska, originally posted on January 31, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 27th day of September, 1950.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 50-8613; Filed, Sept. 29, 1950; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4505]

EASTERN AIR LINES, INC.; MIAMI-SAN JUAN COACH FARE INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation to determine the lawfulness of air coach fares between Miami, Fla. and San Juan, Puerto Rico provided in the tariffs of Eastern Air Lines, Inc. known as Local Tariff Passenger C. A. B. No. 43.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 404 and 1002 thereof, that hearing in the above-entitled proceeding is assigned to be held on October 4, 1950, at 10:00 a. m. (e. s. t.), in Conference Room C, Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D. C. before Hearing Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by the order of investigation, particular attention will be directed to the following matters and questions:

1. Are the fares, rules, and regulations under consideration unjust or unreasonable or unjustly discriminatory?

2. Should Puerto Rico have air coach service at the fare levels prevailing in the United States?

For more detailed information with respect to the issues involved, attention is directed to the Prehearing Conference Report issued in this proceeding on August 25, 1950, and all other material on file in the docket.

Notice is also given that any person, other than parties of record as of September 26, 1950, desiring to be heard in this proceeding must file with the Board on or before October 4, 1950, a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

Dated at Washington, D. C., September 26, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-8616; Filed, Sept. 29, 1950; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9757]

KENTUCKY MOUNTAIN BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of D. C. Stephens tr/as Kentucky Mountain Broadcasting Company (WPRT), Prestonburg, Kentucky, Docket No. 9757, File No. BMP-5242; for extension of completion date.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration the above-entitled application of D. C. Stephens tr/as Kentucky Mountain Broadcasting Company, permitee of Station WPRT, Prestonburg, Kentucky,

requesting an extension of its outstanding construction permit File No. BP-6797 as modified which authorized a new standard broadcast station at Prestonburg, Kentucky; and

It appearing, that, on January 14, 1949, the Commission granted D. C. Stephens tr/as Kentucky Mountain Broadcasting Company a construction permit which authorized the construction of a new standard broadcast station to be operated on the frequency 960 kc, with 1 kw power, daytime only at Prestonburg, Kentucky, subject to filing within 60 days of grant an application to specify a transmitter site and antenna system meeting the Commission's Standards of Good Engineering Practice; and

It further appearing, that on April 29, 1949, an application for approval of the transmitter site and antenna system of Station WPRT was granted; and

It further appearing, that D. C. Stephens has not completed the construction of the authorized standard broadcast station within the time specified in the construction permit, as modified, and that the new standard broadcast station at Prestonburg, Kentucky, is not ready for operation; and

It further appearing, that, on August 23, 1950, the Commission denied the above-entitled application and by letter dated August 23, 1950 gave the above applicant 20 days within which to request a hearing on the above-entitled application; and

It further appearing, that, on August 28, 1950, D. C. Stephens tr/as Kentucky Mountain Broadcasting Company filed a request for hearing on the above-entitled application for extension of completion date for the construction of the station at Prestonburg, Kentucky;

It is ordered, That the Commission's action of August 23, 1950, denying the above-entitled application is set aside; and

It is further ordered, That, pursuant to sections 309 and 319 of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence the 14th day of December 1950 in Washington, D. C., upon the following issues:

1. To determine whether the failure of D. C. Stephens, tr/as the Kentucky Mountain Broadcasting Company, to complete construction of the authorized standard broadcast station at Prestonburg, Kentucky, and to have the station ready for operation was due to causes not under his control.

2. To determine whether said D. C. Stephens has been diligent in proceeding with the construction of the authorized standard broadcast station at Prestonburg, Kentucky.

3. To determine, whether, in view of the evidence adduced in connection with the foregoing issues, the date specified for completion of construction of the new station should be extended, and if so, to what date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 50-8581; Filed, Sept. 29, 1950; 8:50 a. m.]

[Docket No. 9658]

SOUTH ST. PAUL BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Victor J. Tedesco, Albert S. Tedesco, Antonio S. Tedesco and Nicholas Tedesco, d/b as South Saint Paul Broadcasting Company, South Saint Paul, Minnesota, Docket No. 9658, File No. BP-7576; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration a petition filed on July 19, 1950, by South Saint Paul Broadcasting Company requesting reconsideration and grant without hearing of its above-entitled application for a permit to construct a new standard broadcast station to operate on frequency 1590 kilocycles with 1 kilowatt power, daytime only, in South Saint Paul, Minnesota; and

It appearing, that the said application was designated for hearing by Commission order of May 12, 1950, to determine whether the application was in contravention of § 3.35 of the Commission's rules and whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards with particular reference to the coverage to the Minneapolis-Saint Paul metropolitan area; and

It further appearing, that by Commission order of June 22, 1950, the order of May 12, 1950, designating the said application for hearing was amended to delete therefrom the issue with reference to § 3.35 of the Commission's rules; and

It further appearing, that the said petition introduces no engineering evidence to resolve the issue concerning inadequate coverage of the Minneapolis-Saint Paul metropolitan district; and that on the basis of the information contained in the above-entitled application and the said petition the Commission is unable to determine whether a grant of the application would be in the public interest;

It is ordered, That the said petition is denied; and

It is further ordered, that the hearing upon the above-entitled application is scheduled to commence at 10:00 a. m., on Tuesday, November 7, 1950, at Washington, D. C.

Released: September 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 50-8582; Filed, Sept. 29, 1950; 8:50 a. m.]

[Docket Nos. 9066, 9067]

KENYON BROWN AND GEORGE E. CAMERON, JR.

ORDER CONTINUING ORAL ARGUMENT

In re applications of Kenyon Brown, Tulsa, Oklahoma, Docket No. 9066, File No. BP-6693; George E. Cameron, Jr., Tulsa, Oklahoma, Docket No. 9067, File No. BP-6752; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of September 1950;

The Commission having under consideration (1) the oral argument in the above-entitled proceeding now scheduled for September 22, 1950, commencing at 10:00 a. m., and (2) a motion to reopen the record and to continue the said oral argument, filed September 20, 1950, by Kenyon Brown; and

It appearing, that the Examiner in the Initial Decision preferred the application of George E. Cameron, Jr., to that of petitioner; that petitioner alleges (1) that one of the two bases for such preference was that Cameron was a resident of Tulsa and would devote full time to the proposed station while petitioner, a former resident of Tulsa, would devote only part time to the proposed station, (2) that it has just come to the attention of petitioner that Cameron is no longer a resident of Tulsa and would devote virtually no time to the operation of the station, (3) that since a principal ground for preferring Cameron was his local residence and since Cameron is no longer a resident of Tulsa, the record should be reopened to reflect the changed and true facts; and

It further appearing, that in view of the foregoing, petitioner requests that the Commission reopen the record in this proceeding and continue the said oral argument, now scheduled for September 22, 1950; and

It further appearing, that in view of the fact said petition was filed on September 20, 1950, and oral argument is scheduled for September 22, 1950, it will be impossible for the parties to the proceeding to file any replies to the said motion that they may desire, and for the Commission to review said motion and replies and to act thereon prior to September 22, 1950; and

It further appearing, that in view of the foregoing, oral argument in this proceeding, now scheduled for September 22, 1950, may serve no useful purpose and should therefore be continued;

It is ordered, That the above-described motion, filed September 22, 1950, by Kenyon Brown, is granted to the extent indicated herein; that oral argument now scheduled for September 22, 1950, is continued without date; and that action on that part of the said motion requesting a reopening of the record herein is deferred, pending the receipt of any replies to such motion which may be filed, and further review by the Commission.

Released: September 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 50-8583; Filed, Sept. 29, 1950; 8:50 a. m.]

RADIO SUMTER ET AL.

CALENDAR ADVANCING NEW HEARINGS NOW SCHEDULED FOR NOVEMBER AND DECEMBER 1950 AND JANUARY AND FEBRUARY 1951

SEPTEMBER 20, 1950.

Attached hereto is a calendar which has the effect of advancing all new hearings scheduled by the Commission in the months of November and December 1950 and January and February 1951. The Commission considered it necessary to advance the hearings herein because of the large number of cancellations in hearing cases resulting from (1) continuances, (2) amendments resulting in the removal of applications from hearing, and (3) dismissal of applications. Because of the large number of cancellations experienced in the past the Commission has set more hearings in November than there is personnel available for this work. From past experience, it is anticipated that a sufficient number of these hearings will be cancelled to avoid any difficulty that would ordinarily be occasioned from lack of personnel.

All of these hearings are to be held in Washington, D. C.

Released: September 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

CALENDAR ADVANCING DATES FOR BROADCAST HEARINGS PRESENTLY SCHEDULED

Present hearing date	Docket No.	Name of applicant	New hearing date
Nov. 1	9096	Radio Sumter, Sumter, S. C.	
Nov. 3	8381	Gila Broadcasting Co., Winslow, Ariz.	Nov. 1.
Nov. 8	9098	The Leavenworth Broadcasting Co., Inc. (KCLO), Leavenworth, Kans.	Nov. 2.
Nov. 9	9099	Champion City Broadcasting Co. (WJEL) Springfield, Ohio	Nov. 3.
Nov. 10	9100	Southern Tier Radio Service, Inc. (WINR), Binghamton, N. Y.	Nov. 6.
Nov. 17	9707	Ashbacker Radio Corp. (WKBZ) Muskegon, Mich.	Do.
Nov. 20	8919	Radio Station KRMD (KRMD), Shreveport, La.	Do.
	8714	Lakewood Broadcasting Co., Dallas, Tex.	
Nov. 24	9545	Tri-Borough Broadcasting Co. (WAVL), Apollo, Pa.	Nov. 8.
Do	9710	Marshall Formby, Spur, Tex.	Do.
	9711	Dalrad Associates, Memphis, Tex.	
Nov. 27	9712	Cecil W. Roberts (KREI), Farmington, Mo.	Nov. 9.
Nov. 30	9717	Beloit Broadcasting Co. (WGEZ), Beloit, Wis.	Nov. 10.
Dec. 6	9721	Rock City Broadcasters, Little Rock, N. Y.	Nov. 13.
	9722	Robert Harvard Dye, Herkimer, N. Y.	
Dec. 7	9719	East Penn Broadcasting Co., Pottstown, Pa.	Do.
	9720	Pottstown Broadcasting Co., Pottstown, Pa.	
Dec. 12	9733	W. Wright Esch (WMFJ), Daytona Beach, Fla.	Do.
Dec. 14	9734	Inland Radio, Inc. (KSRV), Ontario, Oreg.	Nov. 14.
	9735	Everett Broadcasting Co., Inc. (KRKO), Everett, Wash.	
Dec. 18	9736	Cecil W. Roberts, Kewanee, Ill.	Nov. 15.
1951			
Jan. 3	9737	Blake Broadcasting Co., Memphis, Tex.	Nov. 16.
Jan. 8	9738	Wharton County Broadcasting Co., Inc. (KULP), El Campo, Tex.	Do.
Do	9746	Interlake Broadcasting Corp. (KXRN), Renton, Wash.	Nov. 17.
Jan. 10	9739	Evangeline Broadcasting Co., Inc. (KVOL), Lafayette, La.	Nov. 20.
Jan. 15	9741	Logan Broadcasting Corp. (WVOW), Logan, W. Va.	Do.
Jan. 18	9742	Sky Way Brodcasting Corp., Columbus, Ohio.	Do.
	9743	Athens Broadcasting Co., Athens, Ohio.	
Jan. 22	9744	Rollins Broadcasting, Inc., Georgetown, Del.	Nov. 22.
	9745	Elizabeth Evans, Seaford, Del.	
Jan. 23	9752	H. C. Young, Jr., Nashville, Tenn.	Do.
	9753	Southern Broadcasting Co., Inc., Nashville, Tenn.	
Jan. 25	9561	Louis Wasmer, Pasco, Wash.	Nov. 24.
	9754	Yakima Broadcasting Corp. (KALE), Richland, Wash.	
Jan. 26	9755	Lawton, Fort Sill Broadcasting Co., Lawton, Okla.	Do.
	9756	Caddo Broadcasting Co., Anadarko, Okla.	
Jan. 30	9759	Mt. Airy Broadcasters, Inc., Mount Airy, N. C.	Nov. 27.
Jan. 31	9760	Paul A. Brandt (WCEN), Mount Pleasant, Mich.	Do.
Feb. 5	9496	Vermilion Broadcasting Corp., Danville, Ill.	Nov. 29.
Feb. 6	9640	Scranton Radio Corp., Scranton, Pa.	Nov. 30.
Feb. 7	9787	Francis J. Matrangola, Wildwood, N. J.	Dec. 1.
Feb. 9	9790	KEPO, Inc. (KEPO), El Paso, Tex.	Do.
Feb. 12	9788	Phillip R. Hurlbut, Farmington, N. Mex.	Dec. 4.
	9789	Valley Broadcasting Co., Farmington, N. Mex.	
Feb. 13	9440	Radio Reading, Reading, Pa.	Do.
Feb. 14	9791	Voice of Dixie, Inc. (WVOK), Birmingham, Ala.	Do.
Feb. 15	9792	Bowling Green Broadcasting Co. (WLBJ), Bowling Green, Ky.	Dec. 6.
Feb. 16	9793	Radio Services Co. (WJPR), Greenville, Miss.	Do.
	9794	Harold Ritchie McBride, Birmingham, Ala.	
	9795	Magic City Broadcasting Co., Inc. (WEDR), Fairfield, Ala.	
Feb. 19	9659	Melbourne Broadcasting Corp. (WMMB), Melbourne, Fla.	Dec. 13.
Feb. 20	9798	Shore Broadcasting Co. (WCEN), Cambridge, Md.	Dec. 14.
Do	9617	Buttrey Broadcast, Inc., Billings, Mont.	Dec. 11.
	9618	Frank E. Hurt & Son, Inc. (KFXD), Nampa, Idaho.	
	9796	Copper Broadcasting Co. (KOPR), Butte, Mont.	
Feb. 26	9785	Radio Station WOW, Inc. (WOW), Omaha, Nebr.	Do.
	9786	Star Broadcasting Co., Inc. (KCSJ), Pueblo, Colo.	

[F. R. Doc. 50-8584; Filed, Sept. 27, 1950; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

COMMISSIONER OF PUBLIC BUILDINGS SERVICE, COMMISSIONER OF FEDERAL SUPPLY SERVICE AND ARCHIVIST OF UNITED STATES

DELEGATION OF AUTHORITY WITH RESPECT TO UNINTERRUPTED PERFORMANCE OF FUNCTIONS

1. *Purpose.* This regulation is prescribed temporarily and until further order to assure uninterrupted performance of the functions vested in me or the General Services Administration by Public Law 754, approved September 5, 1950, and to avoid confusion, delay and unnecessary expense.

2. *Delegation of authority.* Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.), as amended (Pub. Law 754, 81st Cong.), there are hereby delegated to the Commissioner of Public Buildings Service, the Commissioner of Federal Supply Service, and the Archivist of the United States, respectively, in addition to the authority vested in them by Delegations of Authority Nos. 4, 5, and 7 (14 Fed. Reg. 7569, 7678), such portions of the functions vested in me or the General Services Administration by Public Law 754, 81st Congress, as are substantially similar to functions which were performed by such officials immediately prior to September 5, 1950.

3. *Existing regulations.* All rules, regulations, policies, procedures, and directives prescribed by me, the Commissioner of Public Buildings Service, the Commissioner of Federal Supply Service, the Archivist of the United States, and the National Archives Council, in effect upon the effective date of Public Law 754, 81st Congress, and not inconsistent therewith, shall remain in full force and effect until modified or superseded.

4. *Effective date.* This regulation shall be effective September 5, 1950.

Dated: September 27, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-8637; Filed, Sept. 29, 1950; 8:58 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6309]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER

SEPTEMBER 26, 1950.

Notice is hereby given that, on September 25, 1950, the Federal Power Commission issued its order entered September 22, 1950, authorizing issuance of securities in the above-mentioned matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8558; Filed, Sept. 29, 1950; 8:45 a. m.]

[Docket No. E-6310]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER

SEPTEMBER 26, 1950.

Notice is hereby given that, on September 22, 1950, the Federal Power Commission issued its order entered September 22, 1950, authorizing issuance of stock in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8559; Filed, Sept. 29, 1950; 8:45 a. m.]

[Docket No. G-1477]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION

SEPTEMBER 26, 1950.

Take notice that Texas Illinois Natural Gas Pipeline Company (Applicant) a

Delaware corporation, of 20 North Wacker Drive, Chicago 6, Illinois, filed on September 13, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities described as follows:

(1) Compressor stations Nos. 4 and 10, together with necessary appurtenances and equipment, along Applicant's pipeline at points approximately 244 miles and 791 miles north of the junction point southwest of Houston in lieu of Compressor stations Nos. 3 and 9 previously authorized in Docket No. G–1246.

(2) Compressor stations Nos. 2 and 8, together with necessary appurtenances and equipment along Applicant's pipeline at points approximately 79 miles and 600 miles, respectively, north of said junction.

(3) Installation in Compressor stations Nos 2, 4, 6, 8 and 10 of five (5) 2000 horsepower engines and other necessary equipment, four (4) of such engines in Compressor stations Nos. 4, 6 and 10 to be in lieu of five (5) engines of 1600 horsepower previously authorized for Compressor stations Nos. 3, 6 and 9 in Docket No. G–1246.

(4) Approximately 46.39 miles of 20-inch pipeline extending from a point 50.27 miles north of the terminus of Applicant's pipeline at the La Gloria field in a general northwesterly direction to a point in the Clayton area.

(5) Approximately 25.66 miles of 20-inch pipe line extending from the western terminus of the pipeline described in paragraph (4) above in a general southerly direction to the Hagist Ranch area.

The application states that the proposed additional facilities and changes in facilities already authorized in Docket No. G–1246 will have the effect of increasing the sales capacity of Applicant's system from the 305,000 Mcf authorized in Docket No. G–1246 to 374,000 Mcf. The application recites that since the issuance of the certificate in Docket No. G–1246 Applicant has made further engineering studies and has determined that it will be more economical to use four 2,000 horsepower engines in the compressor stations already authorized rather than the five 1,600 horsepower engines previously planned and now authorized. Applicant indicates an annual saving in cost of operation will be effected by such revised plans amounting to $41,300 when the capacity is 305,000 Mcf, and $152,000 when the line reaches full capacity.

The application also recites that with respect to change in location of compressor stations, i. e., construction of compressors stations Nos. 4, 6 and 10 rather than stations Nos. 3, 6 and 9, such new locations, with added power, combined with the newly applied for stations Nos. 2 and 8 can be more economically used in providing sales capacity for the increase to 374,000 Mcf.

The estimated total over-all cost of facilities to be constructed under the application in this docket is approximately $11,216,800. The increase in working capital required is $365,000. Applicant proposes to obtain the necessary funds through the issuance of first mortgage bonds for 75 percent of the additional capital required and by the sale of common stock to its stockholders for the remaining 25 percent.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of October 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8576; Filed, Sept. 29, 1950; 8:48 a. m.]

[Docket No. E-6316]

CALIFORNIA ELECTRIC POWER CO.

CORRECTION OF NOTICE OF APPLICATION

SEPTEMBER 27, 1950.

The "Notice of Application" published in this matter on September 26, 1950 (15 F. R. 6473) is corrected to require that any person desiring to be heard or to make any protest with reference to the application should, on or before the 11th day of October 1950, instead of the 23d day of October 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-8629; Filed, Sept. 29, 1950; 8:57 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H AND J

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 22, 1950.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H and J, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1951, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	*Serial numbers (all numbers inclusive)*
$50	3140 to 3237
$100	8546 to 8932
$500	4148 to 4246
$1,000	9537 to 9847
$5,000	201 to 261
	1175 to 1250
$10,000	5531 to 5951

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES J

Denomination:	*Serial numbers (all numbers inclusive)*
$50	2 to 11
$100	12 to 37
$500	3 to 8
$1,000	7 to 46
$5,000	1 to 5
$10,000	142 to 152

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1950. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1950, and provision will be made for the payment of final interest due on January 1, 1951, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1950 to December 31, 1950, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1951, or for purchase prior to that date will be given by the Secretary of the Treasury.

WALTER L. GREENE,
Acting Commissioner.

Approved: September 27, 1950.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 50-8631; Filed, Sept. 29, 1950; 8:57 a. m.]

2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 22, 1950.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Housing Insurance Fund Debentures, Series D, of the denomination and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1951, on which date interest on such debentures shall cease:

2¾ PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES D

Denomination:	*Serial numbers (all numbers inclusive)*
$10,000	1160 to 1436

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1950. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1950, and provision will be made for the payment of final interest due on January 1, 1951, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1950 to December 31, 1950, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1951, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL] WALTER L. GREENE,
Acting Commissioner.

Approved: September 27, 1950.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 50-8632; Filed, Sept. 29, 1950; 8:57 a. m.]

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 22, 1950.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series E, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1951, on which date interest on such debentures shall cease:

2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES E

Denomination:	*Serial numbers (all numbers inclusive)*
$50	31 to 42
	2024 to 2025
$100	108 to 141
	2082 to 2100
$500	49 to 60
$1,000	150 to 210
$5,000	7 to 14
	1215 to 1225
$10,000	302

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1950. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1950, and provision will be made for the payment of final interest due on January 1, 1951, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1950 to December 31, 1950, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1951, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL] WALTER L. GREENE,
Acting Commissioner.

Approved: September 27, 1950.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 50-8633; Filed, Sept. 29, 1950; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25436]

CATALOGUES FROM MT. MORRIS, ILL., TO THE SOUTHWEST

APPLICATION FOR RELIEF

SEPTEMBER 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Catalogues, carloads.

From: Mt. Morris, Ill.

To: Points in the southwest.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3912, 3899, 3708, 3738, 3883 and 3624, Supplements 9, 18, 272, 110, 20 and 126, respectively, and A., T. & S. F., tariff I. C. C. No. 14346, Supplement 117.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8571; Filed, Sept. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25437]

INDEX CARDS FROM CINCINNATI, OHIO, TO NEW YORK, N. Y.

APPLICATION FOR RELIEF

SEPTEMBER 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 9800.

Commodities involved: Index cards and related articles, carloads.

From: Cincinnati, Ohio.

To: New York, N. Y.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-8572; Filed, Sept. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25438]

CITRUS FRUIT FROM FLORIDA TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

SEPTEMBER 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 642.

Commodities involved: Citrus fruit, carloads.

From: Points in Florida.

To: Points in official territory.

Grounds for relief: Circuitous routes, competition with motor carriers and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 642, Supplement 160.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose

their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8573; Filed, Sept. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25439]

AUTOMOBILES FROM EVANSVILLE, IND., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

SEPTEMBER 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago & Eastern Illinois Railroad Company.

Commodities involved: Passenger automobiles, carloads.

From: Evansville, Ind.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8574; Filed, Sept. 29, 1950; 8:48 a. m.]

[4th Sec. Application 25440]

RATES FROM AND TO THE ATLANTIC AND DANVILLE RAILWAY

APPLICATION FOR RELIEF

SEPTEMBER 27, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic and Danville Railway Company for itself and on behalf of carriers parties to Consolidated Freight Classification No. 19, Agent R. E. Boyle, Jr.'s No. 107.

Commodities involved: All commodities.

Between: Points on The Atlantic and Danville Railway, on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Competition with rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-8575; Filed, Sept. 29, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ROBERT P. NAGLE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of Robert P. Nagle, 2 Rector Street, New York City.

I. The commission's public official files disclose that Robert P. Nagle, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

[1] Filed as part of the original document.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of October, 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8560; Filed, Sept. 29, 1950; 8:46 a. m.]

RALPH JUSTIN MINNICH

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of Ralph Justin Minnich, 235 East Twenty-second Street, New York City.

I. The Commission's public official files disclose that Ralph Justin Minnich, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of October 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually relating proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8561; Filed, Sept. 29, 1950; 8:46 a. m.]

ROBERT R. MOTTUR

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of Robert R. Mottur, 521 Fifth Avenue, New York City.

I. The Commission's public official files disclose that Robert R. Mottur, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of October 1950, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8562; Filed, Sept. 29, 1950; 8:46 a. m.]

[1] Filed as part of the original document.

MAGEE CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of J. Edwin Magee, doing business as Magee Company, 50 Broad Street, New York City.

I. The Commission's public official files disclose that J. Edwin Magee, doing business as Magee Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of October 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8562; Filed, Sept. 29, 1950; 8:46 a. m.]

ALFRED H. MARRONE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of Alfred H. Marrone, doing business as A. H. Marrone, 2267 East 19th Street, Brooklyn, N. Y.

I. The Commission's public official files disclose that Alfred H. Marrone, doing business as A. H. Marrone, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities and Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 16th day of October 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8564; Filed, Sept. 29, 1950; 8:46 a. m.]

[1] Filed as part of the original document.

W. V. McMILLAN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of September 1950.

In the matter of W. V. McMillan, Savoy Plaza Hotel, New York City, and 40 Exchange Place, New York City.

I. The Commission's public official files disclose that W. V. McMillan, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in Paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of October 1950 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before October 9, 1950. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to October 16, 1950.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8565; Filed, Sept. 29, 1950; 8:47 a. m.]

[1] Filed as part of the original document.

[File No. 1-2559]

ADRIATIC ELECTRIC COMPANY

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of September A. D. 1950.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, has made application to strike from registration and listing the 25-year 7 percent External Sinking Fund Gold Bonds due April 1, 1952, of Adriatic Electric Company.

The application alleges:

(1) The Italian Public Utility Credit Institute (hereinafter referred to as the Institute) by prospectus dated December 23, 1947, extended to Adriatic Electric Company bondholders an offer to issue $1,472.50 principal amount 30-year Guaranteed External Sinking Fund Bonds of 1947 due January 1, 1977, of the Institute in exchange for each $1,000 principal amount (with all coupons appurtenant thereto maturing after June 10, 1940, attached) of the External Bonds of Adriatic Electric Company. The prospectus indicates that the exchange offer was not conditioned on the acceptance thereof by holders of any specified percentage of outstanding bonds and that it was not the intention of the Institute to terminate the exchange offer unless all similar exchange offers of the Italian Republic and the Italian Credit Consortium for Public Works should be terminated simultaneously.

(2) The prospectus indicates also that as of December 23, 1947, $2,762,500 of Adriatic Electric Company bonds were outstanding, of which $677,000 had been acquired and were held in part by the issuer and in part by the treasury of the Italian Republic, leaving $2,085,500 outstanding in the hands of the public. Reports of the agent to effect these exchanges received from time to time by the applicant exchange indicate that since the date of the offer $1,900,500 of Adriatic Electric Company bonds have been surrendered in exchange for Institute bonds, leaving outstanding in the hands of the public $185,000 principal amount of such bonds.

(3) The reason for the proposed removal of the 25-year 7 percent External Sinking Fund Gold Bonds due April 1, 1952, of Adriatic Electric Company from registration and listing on the applicant exchange is that the outstanding amount thereof in the hands of the public has been so reduced as to make the distribution of the issue inadequate for continued dealings on the applicant exchange.

(4) The applicant exchange suspended dealings in the above security before the opening of the trading session on September 1, 1950.

Upon receipt of a request, prior to October 19, 1950, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8566; Filed, Sept. 29, 1950; 8:47 a. m.]

[File No. 70-2484]

INTERSTATE POWER CO. AND INTERSTATE POWER CO. OF WIS.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of September A. D. 1950.

Notice is hereby given that Interstate Power Company ("Interstate"), a registered holding company, and its wholly-

owned public utility subsidiary company, Interstate Power Company of Wisconsin ("Interstate of Wisconsin"), have filed a joint declaration with this Commission pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act"), regarding the issuance by Interstate of Wisconsin and the acquisition by Interstate of 3,000 shares of common stock of the former.

Notice is further given that any interested person may, not later than October 9, 1950, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law, raised by said declaration which he proposes to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 9, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated thereunder the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

All interested persons are referred to said joint declaration, which is on file in the offices of this Commission, for a statement of the transaction therein proposed which is summarized as follows:

Interstate of Wisconsin's present capitalization consists solely of 13,274 shares of common stock with a par value of $100.00 per share, all owned by its parent Interstate and presently pledged by Interstate under the First Mortgage Indenture, dated January 1, 1948, securing its outstanding First Mortgage Bonds. Interstate of Wisconsin proposes to issue, and Interstate proposes to acquire, 3,000 additional shares of the former's common stock in consideration for the cancellation and discharge by Interstate of $300,000 principal amount of the outstanding open account indebtedness owing by Interstate of Wisconsin to Interstate. Such additional shares, when acquired by Interstate, will be similarly pledged under said First Mortgage Indenture.

The filing states that the open account indebtedness owed by Interstate of Wisconsin to Interstate, amounting to a total of $303,701 as of July 31, 1950, represents advances made from time to time by the parent to the subsidiary, largely for construction purposes.

The filing estimates that Interstate of Wisconsin will incur, in connection with the proposed transaction, expenses in the amount of $1,363, of which $1,000 represents fees of counsel for the Declarants.

Declarants state that the proposed issuance of securities by Interstate of Wisconsin is subject to the approval of the Public Service Commission of Wisconsin, and that such approval has been obtained.

Declarants request that our order permitting said declaration to become effective be issued as soon as practicable and that said order become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8567; Filed, Sept. 29, 1950; 8:47 a. m.]

[File No. 70-2468]

SOUTHWESTERN GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of September A. D. 1950.

Southwestern Gas and Electric Company ("Southwestern"), a public utility subsidiary of Central and South West Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and having designated sections 6 (a) and 7 of the act and Rule U-62 promulgated thereunder as applicable to the following proposed transactions:

Southwestern proposes to submit to a vote of its stockholders at a special meeting called for such purpose an amendment to its Certificate of Incorporation with respect to the voting rights of the holders of its outstanding preferred stock. The proposed amendment would eliminate the voting rights of the preferred stockholders (who now have one vote for each share held) except the special voting rights provided for in subparagraphs 6, 7, and 9 of paragraph D of Subdivision I of Article Fourth, or as may be required by law. Such special voting rights, which are to be retained intact, include the right to elect a majority of the Board of Directors if and so long as preferred dividends shall be in default in an amount equivalent to four quarter yearly dividends.

The proposed amendment requires the favorable vote of two-thirds of the outstanding shares of preferred stock voting as a class and the favorable vote of a majority of the outstanding shares of stock of all classes.

Southwestern having further proposed to solicit its stockholders in connection with said special meeting, and having requested that the Commission enter an order, on or before September 13, 1950, authorizing the solicitation of proxies, and the Commission having entered an order on September 13, 1950, authorizing said solicitation; and

Said declaration having been filed on August 28, 1950, and the last amendment thereto having been filed on September 12, 1950, and notice of said filing, other than the proposal to solicit stockholders, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration, as amended, filed pursuant to sections 6 (a) and 7 of the act, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, filed pursuant to sections 6 (a) and 7 of the act, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective and to grant the request that said order become effective upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, filed pursuant to sections 6 (a) and 7 of the act, be, and the same hereby is, permitted to become effective and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8568; Filed, Sept. 29, 1950; 8:47 a. m.]

[File No. 70-2461]

COLUMBIA GAS SYSTEM, INC., AND MANUFACTURERS LIGHT AND HEAT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of September, A. D., 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, The Manufacturers Light and Heat Company ("Manufacturers"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

Manufacturers proposes to issue and sell to Columbia $6,000,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Manufacturers to finance its 1950 construction program.

The Pennsylvania Public Utility Commission approved the issue and sale of the proposed 3¼ percent notes by order dated August 21, 1950.

Said joint application-declaration having been filed on August 21, 1950, and an amendment thereto having been filed on September 21, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to

said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-8567; Filed, Sept. 29, 1950; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15089]

OTTO SCHULZ

In re: Estate of Otto Schulz also known as Otto Karl Max Schulz, deceased. File No. D-28-12777; E. T. sec. 16948.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Schulz and Helga Schulz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Augusta Wilhelmine Schulz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Otto Schulz, also known as Otto Karl Max Schulz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Hyman Wank, Public Administrator of Kings County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Augusta Wilhelmine Schulz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-8586; Filed, Sept. 29, 1950; 8:51 a. m.]

[Vesting Order 15096]

COMPANIA ARGENTINA DE MANDATOS-SOCIEDAD ANONIMA

In re: Securities owned by and debts owing to Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, the last known address of which is Fredreichstr. 103, Berlin N.W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Banco Aleman Transatlantico, the last known address of which is 1365 Casilla de Correo, Buenos Aires, Argentina, is a branch of Deutsche Uberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Uberseeische Bank, A. G., and is a national of a designated enemy country (Germany);

3. That Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia., is a corporation organized under the laws of Argentina, whose principal place of business is located in Buenos Aires, Argentina, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by, or a substantial part of the stock of which is or has been owned or controlled, directly or indirectly, by the aforesaid Banco Aleman Transatlantico, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon,

b. Those certain debts or other obligations evidenced by six (6) checks drawn by The Chase National Bank of the City of New York, in the amounts, bearing the numbers and dated as follows:

Date	Check No.	Amount
Aug. 15, 1941	9418	$18.79
Nov. 15, 1941	9359	16.31
Dec. 26, 1941	9280	3.26
Feb. 16, 1942	9223	16.31
May 15, 1942	9210	11.42
Aug. 15, 1942	9182	11.42

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid checks,

c. Those certain debts or other obligations evidenced by outstanding dividend checks, in an aggregate amount of $30.06, and representing dividends declared on the thirteen (13) shares of Class B common stock of The American Tobacco Company, referred to in subparagraph 2 (a) hereof, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid outstanding dividend checks,

d. That certain debt or other obligation of the Guaranty Trust Company of New York as Transfer Agent of The American Tobacco Company, 140 Broadway, New York 15, New York, representing the proceeds from the sale of subscription warrants for thirteen (13) rights, amounting to $12.71, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation owing to Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia., by Brown Brothers, Harriman & Co., 59 Wall Street, New York 5, New York, presently held in a Special Account for the aforesaid Compania Argentina de Mandatos-Sociedad Anonima, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

f. Twenty-three (23) coupons detached from German Government 5½

percent JD Bonds, twenty-one (21) of the face value of $27.50 each and two (2) of $13.75 face value each, said coupons presently in the custody of White, Weld & Co., 40 Wall Street, New York 5, New York, in an account in the name of Cia. Argentina de Mandatos, S. A., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Compania Argentina de Mandatos, S. A., also known as Argentina de Mandatos, Cia., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Banco Aleman Transatlantico and Compania Argentina de Mandatos-Sociedad Anonima, also known as Argentina de Mandatos, Cia., are controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—STOCK

Name and address of issuing corporation	State of incorporation	Par value	Type	Number of shares	Certificate No.	Registered owner
The Texas Co., 135 East 42d St., New York 17, N. Y.	Delaware	$25.00	Capital	25	0776153	Cia. Argentina De Mandatos S. A.
R. J. Reynolds Tobacco Co., Winston-Salem, N. C.	New Jersey	10.00	New class B—common.	45	BL 265001	Do.
American & Foreign Power Co., Inc., 2 Rector St., New York 6, N. Y.		No par	Common	400	100415/8 at 100 each.	Do.
The American Tobacco Co., 111 5th Ave., New York 3, N. Y.	New Jersey	25.00	Common B	13	BB 301489	Do.

[F. R. Doc. 50-8587; Filed, Sept. 29, 1950; 8:51 a. m.]

[Vesting Order 15101]

CHRISTINE WILHELMINE EVA RUPP AND ELISE KAROLINE RUPP HEBACH

In re: Stock and bonds owned by and debt owing to Christine Wilhelmine Eva Rupp, also known as Dina Rupp and Elise Karoline Rupp Hebach. F-28-22462.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christine Wilhelmine Eva Rupp, also known as Dina Rupp and Elise Karoline Rupp Hebach, each of whose last known address is Frankfort, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty (50) shares of $1.00 par value common capital stock of Koppitz-Melchers, Inc., Du Bois Street and Detroit River, Detroit, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by a certificate numbered 5441, registered in the name of Adolph Rupp, and presently in the custody of Jack Stattmann, 2079 National Bank Bldg., Detroit 26, Michigan, together with all declared and unpaid dividends thereon,

b. Those certain United States Savings Bonds described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Adolph Rupp and presently in the custody of Jack Stattmann, 2079 National Bank Bldg., Detroit 26, Michigan, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation of Jack Stattmann, 2079 National Bank Bldg., Detroit 26, Michigan, representing the distributive shares of the aforesaid nationals in the Estate of Adolph Rupp, deceased, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christine Wilhelmine Eva Rupp, also known as Dina Rupp and Elise Karoline Rupp Hebach, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Number:	Face value
D 3356887 E	$500.00
C 45192067 E	100.00
C 5355982 E	100.00
L 4346555 E	50.00
L 96581911 E	50.00
L 96581912 E	50.00
L 96581913 E	50.00
L 96581914 E	50.00
L 110319610 E	50.00
L 110319611 E	50.00
L 80464589 E	50.00
L 110310320 E	50.00

[F. R. Doc. 50-8588; Filed, Sept. 29, 1950; 8:51 a. m.]

[Vesting Order 15115]

AUGUSTA MAAS

In re: Estate of Augusta (Auguste) Maas, deceased. File D-28-9681; E. T. sec. 13490.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Maas, also known as Fritz Maas, Milchen Prasse, also known as Emilie Prasse, Lina Fransing, also known as Karoline Fransing, and Luise Maas, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Augusta (Auguste) Maas, deceased is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by James W. Brown, Public Administrator of Bronx County, as Administrator c. t. a. acting under the judicial supervision of the Surro-

gate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8589; Filed, Sept. 29, 1950; 8:51 a. m.]

[Vesting Order 15118]

MARY L. SMITH

In re: Estate of Mary L. Smith, deceased. File No. D-28-12871; E. T. sec. No. 17036.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Hassenpflug, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Mary L. Smith, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The First National Iron Bank of Morristown, Lloyd W. Smith and Mrs. Helen K. Lake, as executors, acting under the judicial supervision of the County Court of Morris County, Probate Division, Morristown, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8549; Filed, Sept. 28, 1950; 8:49 a. m.]

[Return Order 623]

RUDOLF AND ALFRED LEOPOLD PINKUS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Rudolf Pinkus, Via Cremona 71 Int. 4, Rome, Italy; Claim No. 5874; April 1, 1950 (15 F. R. 1884); $491.72 in the Treasury of the United States.

Alfred Leopold Pinkus, 745 46th Avenue, San Francisco, Calif.; Claim No. 5874; April 1, 1950 (15 F. R. 1884); $491.72 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8590; Filed, Sept. 29, 1950; 8:51 a. m.]

[Return Order 748]

INTERNATIONALT FORBUND TIL BESKYTTELSE AF KOMPONISTRETTIGHEDER I DANMARK (KODA)

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Internationalt Forbund Til Beskyttelse Af Komponistrettigheder I Danmark (KODA), Kromprinsessegade 26, Copenhagen; Claim No. 39984; August 11, 1950 (15 F. R. 5218), property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Orders Nos 2097 (8 F. R. 16463, December 7, 1943) and 4010 (9 F. R. 13171, November 4, 1944), relating to musical compositions in the Wilhelm Hansen Musik-forlag catalogue, including royalties pertaining thereto in the amount of $1,105.03.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8591; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 750]

EMMA HOLMS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention to Return Published, and Property

Emma Holms, Greenock, Scotland, Claim No. 5665; August 18, 1950 (15 F. R. 5523), $2,885.47 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8592; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 751]

ROSA PRATOS SIMONELLI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Rosa Pratos Simonelli, a/k/a Rose Pratos, 228 Lafayette Street, New York, N. Y.; Claim No. 4797; December 2, 1948 (13 F. R. 7378); the beneficial interest of Rosa Pratos Simonelli in the following insurance policies on the life of Pasquale I. Simonelli: Equitable Life Assurance Society, Policy Nos. 1714690, 2713870, 2899280, and 2901183; New York Life Insurance Company, Policy No. 4586630; Metropolitan Life Insurance Company, Policy No. 1641477A; and Travelers Insurance Company, Policy No. 1627262.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8552; Filed, Sept. 28, 1950; 8:50 a. m.]

MRS. JOSEPHINE CASALI

[Return Order 752]

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mrs. Josephine Casali, Florence, Italy; Claim No. 33756; August 18, 1950 (15 F. R. 5523); $5,943.44 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8593; Filed, Sept 29, 1950; 8:52 a. m.]

[Return Order 753]

JOHAN SAM JACOBSON

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Johan Sam Jacobson, Scheveningen, The Netherlands; Claim No. 37503; June 27, 1950 (15 F. R. 4126); property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942) relating to Patent Application Serial No. 399,443 (now United States Letters Patent No. 2,348,818). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8594; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 754]

BENEDETTO SICA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Benedetto Sica, Colliano, Italy, Claim No. 35986, July 21, 1950 (15 F. R. 4704). $8,719.90 in the Treasury of the United States. All right, title and interest of Benedetto Sica in and to the Estate of Vito Anthony Sica, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8595; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 756]

NICHOLAS P. PERENTESIS ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Nicholas P. Perentesis, $28.49 in the Treasury of the United States.

Stavros P. Perentesis, $28.49 in the Treasury of the United States.

Catherine N. Dousmanis, $28.49 in the Treasury of the United States.

Voula G. Perentesis, $14.25 in the Treasury of the United States.

Panagiotis G. Perentesis, $14.25 in the Treasury of the United States.

Stavroula C. Perentesis, $7.13 in the Treasury of the United States.

George C. Perentesis, $3.56 in the Treasury of the United States.

Panagiotis C. Perentesis, $3.56 in the Treasury of the United States.

Anastasios C. Perentesis, $3.56 in the Treasury of the United States.

Demitra C. Perentesis, $3.56 in the Treasury of the United States.

Nicholas C. Perentesis, $3.56 in the Treasury of the United States.

Fotios C. Perentesis, $3.56 in the Treasury of the United States.

All of Paleopanaya, Laconia, Greece; Claim No. 28592.

Notice of intention to return published: August 15, 1950 (15 F. R. 5419).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8596; Filed, Sept. 29, 1950; 8:52 a. m.]

[Return Order 757]

EMILIE FRISCH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Emilie Frisch, Vienna, Austria; Claim No. 35578; August 18, 1950 (15 F. R. 5523); $8,529.22 in the Treasury of the United States. All right, title and interest of Mrs. Emilie Frisch, nee Kottnig, in and to the Estate of Louis Gaugler, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8597; Filed, Sept. 29, 1950; 8:52 a. m.]

ENRICO PHILIPPI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the

administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Enrico Philippi, New York, N. Y., Claim No. 4392; $1,670.87 in the Treasury of the United States.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8598; Filed, Sept. 29, 1950; 8:53 a. m.]

DOTT. MASSIMILIANO MASSA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Dott. Massimiliana Massa, Via Senato 20, Milano, Italy; Claim No. 37605; $1,685.92 in the Treasury of the United States.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8599; Filed, Sept. 29, 1950; 8:53 a. m.]

LIBRAIRIE GALLIMARD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Librairie Gallimard, 5 Rue Sebastien-Bottin, Paris VIIe, France; Claim No. 36861; $35,180.81 in the Treasury of the United States. Property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Orders Nos. 3430 (9 F. R. 6464, June 13, 1944), 3552 (9 F. R. 6464, June 13, 1944), 3918 (9 F. R. 9515, August 4, 1944), and 4030 (9 F. R. 13779, November 17, 1944) relating to the works listed in Exhibits A of each respective Vesting Order under the names of Librairie Gallimard, Gaston Gallimard, and Estate of William A. Bradley.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8600; Filed, Sept. 29, 1950; 8:53 a. m.]

MARIE BERGEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Marie Bergen, North Plainfield, N. J.; Claim No. 44787; $2,997.37 in the Treasury of the United States.

Executed at Washington, D. C., on September 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8601; Filed, Sept. 29, 1950; 8:53 a. m.]

FRANCESCO DE BENEDETTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Francesco De Benedetti, Milan, Italy; Claim No. 41350; property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to United States Letters Patent No. 2,156,584.

Executed at Washington, D. C., on SEPTEMBER 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-8602; Filed, Sept. 29, 1950; 8:53 a. m.]